سلسلة علمية

KNOWLEDGE SERIES

في

بيان مسائل منهجية

CLARIFYING MATTERS OF METHODOLOGY

The Delegated Committee of the Khilafah

أهل التوحيد
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Contents

Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab said:

O my brothers! Allah Allah! Hold onto the foundation of your *din*; its beginning, its end, its core, and its head: the testimony that *la ilaha illallah*. Learn its meaning, love it, love its people, and make them your brothers, even if they are far away. Disbelieve in the *tawaghit*, oppose and hate them, and whoever loves them, or defends them, or does not make *takfir* of them, or says that nothing is upon them in relation to them, or that "Allah has not obligated me anything with regards to them." Verily, whoever said that has fabricated a lie against Allah. Verily, Allah has obligated to disbelieve in them and to disassociate from them, even if they were your brothers and children. So Allah Allah! Hold steadfast upon that so that perhaps you may meet your Lord not having committed any *shirk* with Him. O Allah, take us as *Muslimin* and join us with the righteous.

(*Majmu' Rasail at-Tawhid wal-Iman*, v. 1, p. 368)

أهل التوحيد

Publications

Publisher's Note

Indeed, all praise belongs to Allah. We praise Him, seek His aid and seek His forgiveness. We seek refuge with Allah from the evils of ourselves and from the evils of our actions. Whomsoever Allah guides, none can misguide him. And whomsoever Allah leaves to stray, none can guide him. I bear witness that there is nothing worthy of worship except Allah, alone with no partner. And I bear witness that Muhammad is His slave and His messenger. May Allah send *salah* and *salam* upon him, his family, his companions, and all those who sincerely follow him. As for what follows…

It is not hidden from any Muslim the continuous attacks from the enemies of Allah aimed at the pure *'aqidah* (creed) of Islam in order to sow discord and disunity. And why would they not? For it was the pure *'aqidah* and the clinging to the *jama'ah* that was a cause for Allah to send down His aid and support to the fledgling Islamic state in Madinah over 1,400 years ago, allowing it to expand to the outposts of Europe, tearing down along its way the oppressive empires of Rome and Persia.

While the enemies of Allah openly spend billions to distort the *'aqidah* in clear daylight,[1] a hidden enemy inspired by

[1] There are numerous examples and documentary evidences to prove this, however, this is not the place to cite them.

Shaytan sought to infiltrate the *jama'ah* under the cover of darkness in order to spread corruption from within. And when the Islamic State received that aforementioned aid and support from Allah (*'azza wa jall*) - by sticking to the unaltered *'aqidah* and the call for the re-establishment of the *jama'ah* - and conquered large swathes of territory in both Iraq and *Sham* in a short span of three months,[2] one particular group saw an opportunity to bare its hidden fangs.

The extremist group or entity, popularly and loosely known as the Hazimiyyah, then began to spread its venom under the shade and protection of the Islamic State. To safeguard the *jama'ah* and to cut the spread of this disease, the scholars and students of knowledge of the Islamic State sought to clarify the misconceptions of those who either ignorantly or intentionally followed along the tracks of the extremists. What started as debates and explanations - with many coming back to the truth, and to Allah belongs all praise - turned into imprisonments and executions.

The matter continued like this until the Islamic State was forced to release multiple letters clarifying its *manhaj* (methodology); it finalized in the official release of an audio series entitled *Silsilah 'Ilmiyyah fi Bayan Masail Manhajiyyah*, of

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[2] And which the *kafir* coalition, led by "the most powerful state in history," has taken over 4 years to occupy, and which it still has not fully achieved. Reflect, *akhi fillah*, on this matter.

which this book is a translation of. It addressed a multitude of issues that became the center of heated debates that the ignorant and extremists attached themselves to.

In the first part it mentions why a foregone *bayan* was cancelled and the reason behind the series: to unite the word and hearts of the *muwahhidin*, to re-focus the attention upon the aggression of the *kuffar* and the defending of Islam and its people. It continues to give *nasihah* (advice) to the people of *tawhid* and warns from dispute, giving the reasons why dispute occurs. It mentions the command and order to stick to the *jama'ah* and commends its value; all backed by *ayat*, *ahadith*, and sayings of the *Salaf*.

It is worth mentioning that although Ahmad ibn 'Umar al-Hazimi *al-mubtadi'* (the innovator), one who shares a majority of the load of *fitnah* that spread amongst the *mujahid muwahhidin*, is not named directly,[3] he is indirectly made mention of throughout the first part and with the words,

> So how could you leave, my *mujahid* brother, the people of the frontlines from the scholars that went forth to the land of *jihad* and Islam? How could you leave this pure fountain and then go take your *din* from the one who remains [sitting] between the laps

[3] We will be publishing, *bi-ithnillah*, a booklet entitled *Refutation of al-Hazimi and the Misconceptions of al-Ghulah al-Hazimiyyah* by *al-akh* 'Isa ibn Abi 'Abdillah.

of the *tawaghit* in the Arabian Peninsula and elsewhere? He never made *takfir* of them nor rebuked them, mixing with their soldiers, security forces, and intelligence agents without explaining to them what they have committed of nullifiers [of Islam]. Do not be seduced, my brother, by the *taghut's* imprisonment of one of them, as it might be a brightening or an advertisement of him and his sayings, or sending him [to be] among the brothers inside the prisons to cause anxiety and misconceptions between them. The opportunity was there for them, if they were people of truth and honesty, to go forth to the lands of *jihad* and make *hijrah* towards *darul-Islam*.

In the second part the issue of *asl ad-Din* is addressed. Its meaning is outlined clearly with support of the leading scholars of Ahlus-Sunnah. It makes clear that there is no excuse of ignorance in matters that are *asl ad-Din*, again, backed by proofs and the statements of the scholars.

In the third and fourth parts the issue of *takfir al-mushrikin* is given much attention and clarification, as well as explaining the truth of the matter that *takfir* is not *asl ad-Din* but a *hukm shar'i*. Once more, all backed by substantial proofs upon the understanding of our *Salaf*.

In the fifth part the critical and widely unspoken issue of *at-taifah al-mumtani'ah* is dealt with, along with the difference of opinion between the scholars in relation to it. To say it is a subject which is of the utmost importance to understand in our realities today would be an understatement.

In the sixth and final part the issue of *darul-kufr*, its types, and the ruling of its inhabitants are discussed; as well as the issue of *hijrah* and the rulings that revolve around it. This matter and the misconceptions within it have been officially addressed before, but not in the publically detailed mannered way in which it is undertaken here. Previously, Shaykh al-'Adnani (*rahimahullah*) and the Islamic State had disassociated from "a misconception that always has been raised in this campaign, the saying that the *asl* of people is *kufr*, which is from the *bida'* of the Khawarij of our time. The [Islamic] State is innocent from this saying, and in its *'aqidah* and *manhaj*, and what it believes in before Allah is that Ahlus-Sunnah in Iraq and *Sham* in general are Muslim. We do not declare the *kufr* of anyone except whom his apostasy is proven to us by explicit *shar'i* evidence and explicit evidence that it occured. And whomever we find from the soldiers of the [Islamic] State saying this *bid'ah* we teach, educate, and explain to him, and if he doesn't refrain we berate him, and if he doesn't refrain we expel him from our ranks and disown

him. And we have done this many times with the *ansar* and *muhajirin*."[4]

In order for its adaptation to fit and flow smoothly into the style of a book that is read, instead of a lecture series that is listened to, very minor adjustments and changes have went into this translation from the original. Examples of that are restricted to changing "*halaqah*" to "chapter," "*silsilah*" to "book," deleting the opening of each *halaqah* with the exception of the first, and deleting the ending of each *halaqah* with the exception of the last. We hope to be excused for that.

References to the *ayat* of the Quran, found in the main body of the original transcripts published in *an-Naba*, were placed as footnotes herein. The other footnotes are largely taken from the same transcripts, unless explicitly stated otherwise. In some of the first and in most of the final two parts released together, references were not provided, but we were able, and all praise belongs to Allah, to locate the majority of them.

As you read you will notice the plurality of references, citations, and quotes from the scholars of Ahlus-Sunnah, which is the embodiment of the frequently said, but lost on

[4] Taken from his speech entitled and translated as "May Allah Be With You, O Oppressed State".

many, principle: based upon the understanding of the *Salaf as-Salih*. Shaykh ash-Shanqiti (*rahimahullah*) explains,

> We are those who follow and do not innovate new matters in the *Din*. We point towards the transmitted knowledge from the past, as was stated by Imam Malik (*rahimahullah*), "It is an obligation upon every student of knowledge to be upon tranquility and steadfastness, and upon the narrations of those who have passed before him." Therefore, it is a requirement for him to possess this transmitted knowledge from the past.[5]

Unlike many who do not live up to that honored phrase and principle of Ahlus-Sunnah wal-Jama'ah, the Islamic State are followers and not innovators; and this book will testify to that.

In closing, we ask Allah that this be a means of guidance for everyone who seeks the truth out of sincerity to hold fast to it. And Allah knows best. May Allah send *salah* and *salam* upon our teacher and guide, Muhammad, his family, and his companions. We end with saying that all praise belongs to Allah, the Lord of creation.

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[5] *Various Questions #9698.*

Chapter 1

Introduction

All praise belongs to Allah, the Lord of creation. The final outcome is for the *muttaqin* and there is no aggression except against the *dhalimin* (the oppressors). I bear witness that there is nothing worthy of worship except Allah, alone with no partners, the rightful and clear King. And I bear witness that Muhammad is His slave and messenger, the *imam* of the first and last. As for what follows…

The following is a book explaining and clarifying some matters of *manhaj* and *'aqidah*, in which confusion and ambiguity arose amongst some of our sons and brothers from the soldiers of the Islamic State and the remaining *Muslimin* inside and outside the *Khilafah*. This was due to the memo issued by the Delegated Committee entitled with the noble *ayah* - *That Those Who Perish Would Perish upon Proof* - and the consequent suspension and cancellation of acting according to it because of what what it contained of knowledge-related and *manhaj* errors, and due to ambiguous statements that could be interpreted in different ways which led to disagreement and dispute.

Thus it was obligatory upon us to not delay the clarification when it was urgently needed and became an absolute

necessity, in order to unite the word of the State, to bring the hearts of its soldiers upon the truth, free them to confront the aggression of the people of *kufr*, and defend the essence of Islam and its sacred rites.

Allah (*ta'ala*) warned us against disagreement and dispute with a severe and stern warning, as He (*ta'ala*) said, "And obey Allah and His Messenger, and do not dispute and [thus] lose courage and [then] your strength would depart; and be patient. Indeed, Allah is with the patient."[6] At the same time, He ordered us to stick with the *jama'ah* and exalted its value. The Prophet (*sallallahu 'alayhi wa sallam*) said, "Stick with the *jama'ah*," and the Prophet (*sallallahu 'alayhi wa sallam*) said, "The hand of Allah is with the *jama'ah*," and the Prophet (*sallallahu 'alayhi wa sallam*) said, "I warn you against splitting and disunity, as the *Shaytan* is with the alone man, and he (i.e., *Shaytan*) is more distant from two." And it comes in the *hadith* that was narrated and declared authentic by at-Tirmidhi, that the Prophet (*sallallahu 'alayhi wa sallam*) said, "And I order you with five which Allah commanded me with: hearing and obeying, *jihad*, *hijrah*, and the *jama'ah*. And whoever abandons the *jama'ah* a distance of a hand-span, then he has taken off the noose of Islam from his neck."

[6] Surah al-Anfal: 46.

Among the causes of *fitnah*, disagreement, and dispute are:

1. Departing from holding onto the Book and the Sunnah according to the understanding of the *Salaf* of the *ummah*, relying on whims, and on the statements of men.

He (*ta'ala*) said, "And hold firmly to the rope of Allah all together and do not become divided."[7] And He (*ta'ala*) said, "And how could you disbelieve while to you are being recited the *ayat* of Allah and among you is His messenger? And whoever holds firmly to Allah has [indeed] been guided to a straight path."[8] And the Prophet (*sallallahu 'alayhi wa sallam*) said, "I have left with you [two things] that if you cling to, you will never be misguided after me: the Book of Allah and my sunnah." And in *Sahih Muslim* it is narrated from Abu Hurayrah (*radiyallahu 'anhu*) that the Messenger of Allah (*sallallahu 'alayhi wa sallam*) said,

> Allah is pleased with three [things] for you, and hates three [things] for you; He is pleased for you that you worship Him and do not associate any [partners] with Him, to hold firmly to the rope of Allah all together

[7] Al 'Imran: 103.
[8] Al 'Imran: 101

and do not become divided, and He hates for you gossip, excessive questioning, and wasting wealth.

And He (*sallallahu 'alayhi wa sallam*) used to say when giving a *khutbah*, "As to what follows: The best speech is the Book of Allah, the best guidance is the guidance of Muhammad (*sallallahu 'alayhi wa sallam*), and the worst of issues are innovations."

Ibn 'Abbas (*radiyallahu 'anhuma*) said, "Allah ordered the believers to be in the *jama'ah* and forbade them from dispute and splitting up and informed them that the ones before them perished because of argument and disagreement in the *Din* of Allah (*ta'ala*)."[9]

And it was narrated from the noble *tabi'i*, ibn Shihab az-Zuhri (*rahimahullah*), that he said, "Our previous scholars used to say: 'Clinging to the Sunnah is safety.'"[10]

Imam al-Awza'i (*rahimahullah*) said, "Stick to the footsteps (i.e., narrations) of the *Salaf* even if the people reject you, and beware of the opinions of men, even if they decorate them with [nice and sweet] words; for certainly the matter will become manifest while you will be upon the straight path."[11]

[9] *Tafsir at-Tabari*, v. 4, p. 39.
[10] *Sunan ad-Darimi*, 96.
[11] *Siyar A'lam an-Nubala*, v. 7, p. 120.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Ahlus-Sunnah wal-Jama'ah follow the Book and the Sunnah, obey Allah and His messenger, and thus they follow the truth and are merciful to the creation."[12]

And he (*rahimahullah*) also said, "*Fitan* (tribulations) and disunity does not occur except by abandoning the command of Allah, and Allah (*ta'ala*) has ordered to stick to the truth, justice, and ordered to be patient. [And thus] *fitnah* occurs due to leaving the truth or leaving patience."

2. Inability to distinguish the Sunnah from *bid'ah* brought by some small ones who associate themselves to knowledge, while having half knowledge. [They are] those who consider themselves among the leading *mujtahid* scholars; so you find one of them claiming to be the most guided and thinks that the Sunnah is with him [alone] and that his opponent is a misguided *mubtadi'* (innovator), or he may say "*kafir,*" the results of which lead to disunity and evils only Allah knows fully.

The Sunnah is what Allah and His messenger has ordered, and *bid'ah* is what Allah has not legislated in the *Din*.

[12] *Majmu' al-Fatawa*, v. 3, p. 279.

He (*subhanahu*) said, "So ask the people of knowledge if you do not know."[13]

Al-Bukhari and Muslim narrated from 'Abdullah ibn 'Amr ibnil-'As (*radiyallahu 'anhuma*) that he said, "I heard the Messenger of Allah (*sallallahu 'alayhi wa sallam*) saying:

> 'Allah does not take away knowledge by taking it away from the [hearts of the] people, but He takes it away by the death of the *'ulama* till when none remains, people will take as their leaders ignorant persons who when consulted will give their *fatwa* without knowledge. So they will go astray and will lead the people astray.'"

And from Muhammad ibn Sirin (*rahimahullah*), who said, "Certainly, this knowledge is *din*, so look from whom you take your *din* from."[14]

From the characteristics of the heads of misguidance (*ahlul-bida'*) is that they propagate their falsehood by using eloquent *shar'i* slogans such as "preserving the excellency of *tawhid*," "*Millah Ibrahim*," "the Pure *Tawhid*," and others similar to it, just as the Khawarij said to 'Ali ibn Abi Talib (*radiyallahu 'anhu*), "Legislation is for none but Allah," and

[13] An-Nahl: 43.
[14] *Sahih Muslim.*

said, “We do not refer to men in legislation, we want the ruling of Allah.”

These slogans do not pass over the people of knowledge unnoticed, similar to how a fake *dinar* would not pass over the expert gold inspector. ‘Ali (*radiyallahu ‘anhu*) understood the meaning of the saying of the Haruriyyah, and their saying: “Legislation is for none but Allah,” did not pass over him as it did on ignorant people, as he (*radiyallahu ‘anhu*) said,

> Legislation is for none but Allah. “So be patient. Indeed, the promise of Allah is the truth. And let them not disquiet you who are not certain [in faith].” Do you know what they say (i.e., what they mean)? They say: “no leadership.” Oh you people, verily nothing will amend you except an *amir*, [whether] just or wicked.[15]

And in *Sahih Muslim* from ‘Ubaydullah ibn Abi Rafi’, the servant of the Messenger of Allah (*sallallahu ‘alayhi wa sallam*), that when the Haruriyyah rebelled - and he was with ‘Ali ibn Abi Talib (*radiyallahu ‘anhu*) - they said, “*Hukm* (ruling) is for none but Allah.” ‘Ali said, “A word of truth, but falsehood is intended by it. The Messenger of Allah (*sallallahu ‘alayhi wa sallam*) described people whom I see these fit into their description. They say the truth with their tongues yet it does

[15] *Al-Musannaf*, #38,927.

not go beyond this in them - and he pointed to his throat - and [they are] from the most hated creations of Allah to Him."

An-Nawawi (*rahimahullah*) said, "His saying: 'They said, '*Hukm* is for none but Allah,' 'Ali said, 'A word of truth, but falsehood is intended by it,' meaning, that this saying has a proper root. Allah (*ta'ala*) said, '*Hukm* is for none but Allah,' but they said it in order to reject 'Ali (*radiyallahu 'anhu*) in his judgment."[16]

Due to that, it is obligatory upon the one who seeks the truth to acquire the truth from its source, not from those who are muddled up and confused - who have half knowledge - nor from the scholars of misguidance. Sufyan ibn 'Uyaynah and others from the people of knowledge, such as Imam Ahmad and 'Abdullah ibnul-Mubarak, used to say, "If the people dispute, look towards what the people of the *thaghr* (frontlines) are upon, as Allah (*subhanahu wa ta'ala*) said, 'And those who strive for Us - We will surely guide them to Our ways.'"[17]

So how could you leave, my *mujahid* brother, the people of the frontlines from the scholars that went forth to the land of *jihad* and Islam? How could you leave this pure fountain and

[16] *Sharh Muslim*, #1,066.
[17] *Tafsir al-Qurtubi*.

then go take your *din* from the one who remains [sitting] between the laps of the *tawaghit* in the Arabian Peninsula and elsewhere? He never made *takfir* of them nor rebuked them, mixing with their soldiers, security forces, and intelligence agents without explaining to them what they have committed of nullifiers [of Islam]. Do not be seduced, my brother, by the *taghut's* imprisonment of one of them, as it might be a brightening or an advertisement of him and his sayings, or sending him [to be] among the brothers inside the prisons to cause anxiety and misconceptions between them. The opportunity was there for them, if they were people of truth and honesty, to go forth to the lands of *jihad* and make *hijrah* towards *darul-Islam*.

Verily, the *taghut* that protects the likes of those who theorize for *ghulu* in *takfir* and allow their *bid'ah* to spread, is the same one who protects the people of *tajahhum* and *irja* and assists them to spread their *bid'ah*. This is all due because of nothing other than that both sides and methods result in the same outcome: that is slandering the people of truth, and abandoning *hijrah* and *jihad* for the sake of Allah (*ta'ala*).

My *mujahid* brother, how is it that after Allah saved you from the nets of the scholars of the *tawaghit*, the people of *irja*, you go back and fall into the nets of the scholars of the *tawaghit* that spread *ghulu* and misconceptions in order to make you sit back from your *jihad* and return you back from your *hijrah*; so

that their allies from the enemies of Allah (*ta'ala*) are saved from your harm?

Some of the *Salaf* said, "Allah (*ta'ala*) has never obliged a thing upon His slaves except that the *Shaytan* has two tendencies with regards it: either towards *ghulu* or towards negligence, so whichever of the two over takes him, he is satisfied."

Thus how could you leave the knowledge of the one who carries the weapon with you and fights with you in the frontlines from the people of knowledge and understanding - I do not mean those with half knowledge - and you surrender your mind and intellect to those who are not to be trusted for their *din*; living comfortably with the *tawaghit* and theorizes for you from afar?

3. The third cause from the causes of disunity and disagreement: *baghi* (transgression). It is said someone transgressed someone, meaning, encroached upon him, by saying or action, and went beyond its limit.

Allah (*ta'ala*) said, "And they did not become divided until after knowledge had come to them - out of *baghi* between themselves."[18]

[18] Ash-Shura: 14.

And He (*ta'ala*) said, "And they did not differ except after knowledge had come to them - out of *baghi* between themselves."[19]

And He (*ta'ala*) said, "Mankind was [of] one nation; then Allah sent the prophets as bringers of glad tidings and warners and sent down with them the Scripture in truth to judge between the people concerning that in which they differed. And none differed over the Scripture except those who were given it - after the clear proofs came to them - out of *baghi* among themselves. And Allah guided those who believed to the truth concerning that over which they had differed, by His permission. And Allah guides whom He wills to a straight path."[20]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The sound and reasonable *ijtihad* does not reach the level of *fitnah* and disunity except with *baghi*, not because of the mere *ijtihad*… Thus there is no *fitnah* and disunity with the existence of sound and reasonable *ijtihad*, except if accompanied with a type of *baghi*, and whatever leads to *fitnah* and disunity is not from the *Din*, whether it is a saying or an action…"[21]

[19] Al-Jathiyah: 17.
[20] Al-Baqarah: 213.
[21] *Iqtida as-Sirat al-Mustaqim*, p. 66.

And he (*rahimahullah*) also said, "And most of what the group of believers have disputed concerning, from the issues of *usul* (foundational matters of creed) and others in the topic of attributes [of Allah], predestination, leadership, and others, is similar to this type. As there is the *mujtahid* who is correct, there is also the mistaken *mujtahid*, and the mistaken one might be a transgressor, and there is [also] a transgressor without *ijtihad*, and there is in him the negligence of what he was ordered of patience."[22]

Going further (i.e., extending the dispute) against the opposition is from *baghi*, and [so is] accusing him in his intention, as well as accusing the Muslim with *kufr* or *bid'ah* wrongly and out of injustice without clear evidence.

Ibn Hibban narrated in his *sahih* from Hudhayfah (*radiyallahu 'anhu*) that he said, "The Messenger of Allah (*sallallahu 'alayhi wa sallam*) said,

> 'I am afraid for you that a man reads the Quran until you see its delight on his face, and he becomes a supporter of Islam - until he is changed to what Allah willed - so he detached himself from it, threw it behind his back, and ran towards his neighbor with the sword and accused him with *shirk*.' He (i.e., Hudhayfah) said, 'O Prophet of Allah, which one of

[22] *Al-Istiqamah*, v. 1, p. 73.

them deserves the label of *shirk*, the accused or the accuser?' He said, 'The accuser.'"

Al-Ajurri (*rahimahullah*) said,

> Allah (*'azza wa jall*), with His grace and favor, informed us in His Book about those who preceded from the people of the Book, the Jews and Christians, that they perished when they differed in their *din*, and our most generous Protector informed us that what led them to abandon the *jama'ah* and head towards falsehood which they were forbidden from, was due to *baghi* and envy, after knowing what others did not know. So the severeness of *baghi* and envy caused them to split into groups, which led to their destruction. Our most generous Protector has warned us not to be like them and perish as they perished. He (*'azza wa jall*) ordered us to stick to the *jama'ah* and forbade us from splitting, just as the Prophet (*sallallahu 'alayhi wa sallam*) warned us from splitting and ordered us with the *jama'ah*, as well our leaders who preceded us from the scholars of the *Muslimin*, all of them ordered us to stick to the *jama'ah* and prohibited us from splitting.[23]

[23] *Ash-Shari'ah*, v. 1, p. 270.

We vehemently reject those who transgress and exceed the limits, so that they end up making *takfir* of scholars from the likes of ibn Qudamah al-Maqdisi, an-Nawawi, ibn Hajr al-'Asqalani, and others besides them (*rahimahumullah*), from those who extended pure white hands to the *ummah* of Islam in spreading knowledge and giving victory to the *Shari'ah*. We preserve their status and ask Allah to have mercy on them, and we make excuses for them in what they have done of mistakes and faults.

Ash-Sha'bi – one of the leading scholars of the *Tabi'in* – (*rahimahullah*) said, "The scholars in every nation are the most evil, except for the *Muslimin*, their scholars are the best of them."[24]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Repelling *takfir* from the scholars of the *Muslimin*, even if they were mistaken, is one of the most deserving of the *Shari'ah* purposes."[25]

Shaykh 'Abdullah ibn al-Imam al-Mujaddid Muhammad ibn 'Abdil-Wahhab (*rahimahumullah*) said, "Likewise, we do not say one has disbelieved whose *din* is sound, whose rectitude, knowledge, piety, and abstinence has become well-known, whose conduct was good and whose sincerity has reached the

[24] *Majmu' al-Fatawa*, v. 7, p. 284.
[25] *ibid*, v. 35, p. 103.

ummah with self sacrifice in order to teach the beneficial sciences and authoring [works] regarding them, even if he was mistaken in this matter or others besides it."[26]

And from the ones that we protect and preserve their rights over us are the leaders of the Islamic State; from Abu Mus'ab az-Zarqawi, the *amir* of the *istishhadiyyin*, the proclaimer of the truth and *tawhid*, and the slaughterer of the people of *shirk* and the criminals; to the *mujahid* Shaykh Abu 'Umar al-Baghdadi, the holder of the established *'aqidah* and lofty aspirations; his minister Shaykh Abu Hamzah al-Muhajir, the author of beneficial books and writings; Shaykh Abu Muhammad al-'Adnani, the suppressor of distorters and the breaker of the disbelievers' borders; the righteous nurturing scholar Abu 'Ali al-Anbari; and others from the leaders of this State that spent in the path of Allah. We consider them as such, and Allah is their judge, and we do not commend anyone over Allah.

This book, with the permission of Allah (*ta'ala*), will consist of clarifying the following matters:

- The ruling of withholding *takfir* of the *mushrikin* or *kuffar*.

[26] *Ad-Durar, as-Saniyyah*, v. 1, p. 236.

- The ruling of *at-taifah al-mumtani'ah* and the ruling of those who differ in relation to it.

- The ruling of those who live in the lands of *kufr at-tari*

We ask Allah (*ta'ala*) to bless this knowledge related book and to make it a means to gather the word of the *mujahidin* upon the Book and the Sunnah, and we close by saying that all praise belongs to Allah, the Lord of creation.

Chapter 2

Asl ad-Din (the Foundation of the *Din*)

In this chapter, our discussion will be concerning *asl ad-Din*, and it is a topic which is of the utmost importance, since no one's belief is valid except if he fulfills it.

So what is *asl ad-Din*?

Asl ad-Din is to affirm belief in Allah, to worship Him (*subhanahu*) alone, to leave the worship of others, and to have *bara'ah* (disassociation) from those who commit *shirk* with Him (*subhanahu*). Four matters…

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Ibrahim and Musa both established *asl ad-Din*, which is to affirm belief in Allah, worshiping Him alone with no partners, and opposing those who disbelieved in Allah."[27]

"...and to have *bara'ah* from those who commit *shirk* with Him (*subhanahu*)" is what Shaykhul-Islam ibn Taymiyyah mentioned here as "opposing those who disbelieved in

[27] *Majmu' al-Fatawa*, v. 6, p. 203.

Allah." The two statements are one in meaning, which is: to oppose the *mushrikin* and to have *bara'ah* from them.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Asl ad-Din* is to love for the sake of Allah, to have hatred for the sake of Allah, to ally for the sake of Allah, to show hostility for the sake of Allah, and to worship Allah alone."[28]

Therefore, based on the above we say: if someone came with three things from *asl ad-Din*, but did not come with the fourth, for example, leaving the worship of others besides Allah (*ta'ala*), or he did not have *bara'ah* from those who commit *shirk* with Him (*subhanahu*), is his *islam* valid? The answer: no.

What then is he labeled? He is labeled a *mushrik kafir*. And this amounts to *asl ad-Din* which no one is excused [in regards to it] once he reaches the age of *taklif* (i.e., legally held responsible), even if he was ignorant; whether the Message reached him or it did not [reach him], or in other words: whether a messenger came to him or not.

The *imam* of the scholars of *tafsir*, ibn Jarir at-Tabari (*rahimahullah*), said after mentioning an issue of *asl ad-Din*, "There is no excuse of ignorance for whoever reached the age of *taklif*, whether he was from those whom a messenger

[28] *Minhaj as-Sunnah an-Nabawiyyah*, v. 5, p. 255.

came to or did not come to, or whether he saw others besides himself or he did not see anyone else."[29]

"...he did not see anyone else," meaning, he did not see anybody except himself, such as the one living on a remote island and did not see any other person.

We say: if a messenger comes, then believing in him and in that which he brought enters into *asl ad-Din*. As such, belief in Muhammad (*sallallahu 'alayhi wa sallam*), from the time he was sent to now, and what he was sent with overall, enters into *asl ad-Din*. Because *asl ad-Din* is the two testimonies.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Asl ad-Din* is the testimony that there is nothing worthy of worship except Allah and the testimony that Muhammad is His slave and messenger."[30]

Ok, [now that we know that], what is the meaning of "affirming belief in Allah?"

It means: to believe in His (*ta'ala*) existence, that He has the most perfect attributes with no defects nor any deficiencies,

[29] *At-Tabsir fi Ma'alam ad-Din*, p. 126.
[30] *Majmu' al-Fatawa*, v.1, p. 10.

and that He (*subhanahu*) is independent in creation and command.

Allah (*ta'ala*) said, "Unquestionably, His is the creation and the command."[31]

The command from Him could be *kawni* (universal), which is that He (*subhanahu*) says to a thing "be" and it is. And it could be *shar'i*, which is unique and specific to Him (*subhanahu wa ta'ala*) in making matters legal and illegal.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Asl ad-Din* is that nothing is illegal except that which Allah made illegal, and that there is no [accepted] way except for that which Allah legislated. Indeed, Allah (*subhanahu*) rebuked the *mushrikin* in *surah* al-An'am and al-A'raf for making illegal what Allah did not make illegal and for legislating matters that Allah did not give permission for."[32]

To repeat: what is *asl ad-Din*? It is to affirm belief in Allah, to worship Him (*subhanahu*) alone, to leave the worship of others, and to have *bara'ah* from those who commit *shirk* with Him (*subhanahu*). We explained what is "to affirm belief in Allah."

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[31] Al-A'raf: 54

[32] *Majmu' al-Fatawa*, v. 20, p. 357.

What is the meaning of "to worship Him (*subhanahu*) alone, to leave the worship of others, and to have *bara'ah* from those who commit *shirk* with Him (*subhanahu*)?"

Its meaning: the *tawhid* of Allah, to love *tawhid* and approve of it, to ally with its people, and to disapprove of *shirk*, to stay away from it, and to oppose its people.

Ibnul-Qayyim (*rahimahullah*) said, "Know, that if the goodness of *tawhid* and the vilification of *shirk* is not known by the *'aql* (intellect) and ingrained innately, then there is no assurance of anything to be included within the matters known by the *'aql*. Indeed, this is from the most apparent of matters and the clearest of what Allah has built within the intellects and innate natures."[33]

"...to ally with its people," this is *al-wala*, loyalty to the believers. "...and to oppose its people," meaning, the people of *shirk*. This is *al-bara* from the *mushrikin*, and here it becomes clear that *al-wala* and *al-bara* enters into *asl ad-Din*.

However, here is an [important] issue.

And it is that there is a difference between having animosity present [in the heart] towards the *kafirin* and between making

[33] *Madarij as-Salikin*, v. 3, p. 455.

that animosity apparent. Thus the first - having animosity present [in the heart] - is from *asl ad-Din*. And the second - manifesting that animosity - is from the *wajibat* (obligations) of the *Din* and is not from its *asl*.

Shaykh ‘Abdul-Latif ibn ‘Abdir-Rahman Al ash-Shaykh (*rahimahullah*) said, “The issue of manifesting animosity differs from the issue of having the presence of animosity [in the heart]. For the first, there is an excuse for the one who is weak or in fear due to His (*ta‘ala*) saying, “except if you fear a danger from them.” The second, there is no alternative (i.e., no excuse/it is a must), because it enters into *kufr bit-taghut*; there is a direct connection between it and between loving Allah and His messenger that a believer can not do without.” [34]

Asl ad-Din as we said: there is no excuse of ignorance with regards to it for anyone, meaning, one’s *islam* is not valid if he negates it, and the name of *kufr* is not taken off him.

Why is ignorance not considered in relation to *asl ad-Din* from a sane man or a sane woman?

Because it is perceived and established by the *mithaq* (covenant), the *fitrah* (innate nature), and the *‘aql*.

[34] *Ad-Durar as-Saniyyah*, v. 8, p. 259.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Asl ad-Din* is the worship of Allah [alone], which its foundation is love and turning to Allah and turning away from others. This is the *fitrah* that mankind was fashioned upon."[35]

Ibnul-Qayyim (*rahimahullah*) said, "What could be considered as a sound *'aql* if it does not recognize the ugliness of *shirk* in and of itself? Knowing its heinousness is self-evident, known by necessity of the *'aql*, and the messengers alerted the nations of what is in their own intellects and innate natures regarding its ugliness."[36]

From here we know that establishing the *hujjah* (proof) is not a condition with regards to *asl ad-Din* for placing the ruling of *kufr* on someone who did not come with it. Meaning, we judge those whom did not come with *asl ad-Din* with *kufr* whether the *hujjah* was established or not.

We stress that no one has any excuse for ignorance in these matters which are from *asl ad-Din*, because it is from knowledge that is firmly established in everyone's innate natures and intellects. Therefore, whoever nullifies the *asl* of his *din* is a *mushrik*. However, his punishment in this world

[35] *Majmu' al-Fatawa*, v. 15, p. 438.
[36] *Madarij as-Salikin*, v. 1, p. 253.

and in the Hereafter is dependent upon the *hujjah ar-Risaliyyah* (the Prophetic proof*)* reaching him.

Al-'Allamah ibnul-Qayyim (*rahimahullah*) said, "As for the *kufr* of ignorance without the establishment of the *hujjah* and without the ability to gain knowledge, then this is that which Allah has negated punishment in relation to it until the *hujjah* of the messengers is established."[37]

A question: what nullifies *asl ad-Din*?

The answer: *shirk*…

We said the definition of *asl ad-Din* is to affirm belief in Allah, to worship Him (*subhanahu*) alone, to leave the worship of others, and to have *bara'ah* from those who commit *shirk* with Him (*subhanahu*); so then: *shirk* with Allah nullifies and negates *asl ad-Din*.

The *shar'i* meaning of *shirk*: it is to set up partners or equals to Allah (*ta'ala*) in His *rububiyyah* (lordship), *uluhiyyah* (divinity), or His *asma was-sifat* (names and attributes).

An example of *shirk* in *rububiyyah*: it is to set up with Allah a creator, provider, manager, ruler, or legislator.

[37] *Tariq al-Hijratayn*, p. 414.

An example of *shirk* in *uluhiyyah*: it is to make *sujud*, *du'a*, to vow, or to sacrifice to other than Allah.

An example of *shirk* in *asma was-sifat*: it is to deny them, such as negating knowledge, hearing, or seeing from Allah, or to liken Him (*subhanahu wa ta'ala*) to His creation.

All of that is *shirk* that no one is excused with regards to it from the ignorant *mushrikin* due to it nullifying *asl ad-Din*. Allah (*subhanahu wa ta'ala*) in the Noble Quran ruled the followers as well as the blind followers [in *shirk*] with *kufr*. He ruled the illiterates from the people of the Book with *kufr* even with their ignorance, and He ruled the ignorant Arab *mushrik* with *kufr* before the coming of the Prophet (*sallallahu 'alayhi wa sallam*).

Al-'Allamah ibnul-Qayyim (*rahimahullah*) said, "Whoever died as a *mushrik* then he is in the Fire, even if that was before the mission [of the Prophet], because the *mushrikin* altered the Hanifiyyah, the *din* of Ibrahim, and committed and replaced it with *shirk*. They had no proof from Allah to do so, and its ugliness and threats had been well-known from all the messengers, from the first to the last. The news of the punishment of Allah on its people had spread and been spoken about between the different nations, century after century, so that the *hujjah* of Allah was established on the *mushrikin* in each time. And even if it had only been what He

had established in His slaves from the *tawhid* of His *rububiyyah* that necessitates the *tawhid* of His *ilahiyyah*, and that it is impossible in each person's *fitrah* and *'aql* to have another object of worship with Him [it would have been sufficient], even though He (*subhanahu*) does not punish based on that established *fitrah* alone. However, the call of the messengers to *tawhid* had been known to the people on earth, and the *mushrik* deserves the punishment due to him opposing the call of the messengers. And Allah knows best."[38]

As for the ignorants from the *mushrikin* after the Prophet (*sallallahu 'alayhi wa sallam*) was sent, from those who ascribe to Islam and others, then the matter is even worse. Because most of their ignorance comes from the angle of turning away from his (*sallallahu 'alayhi wa sallam*) message and turning away is *kufr*, so how about when he comes with *shirk*?!

Ash-Shawkani (*rahimahullah*) said,

> Whoever fell into *shirk* ignorantly is not excused because the *hujjah* has been established upon all of creation by the coming of Muhammad (*sallallahu 'alayhi wa sallam*). Therefore, whoever is ignorant then, indeed, it came from himself due to turning away from the Book and the Sunnah, as it is clearly explained in both; such as what He (*subhanahu*) said in

[38] *Al-Huda*, v. 3, p. 685.

> the Quran, "And We have sent down to you the Book as clarification for all things and as guidance and mercy." As well as the Sunnah: Abu Dharr (*radiyallahu 'anhu*) said, "Muhammad (*sallallahu 'alayhi wa sallam*) left us in the following condition that there was not a bird flapping its wings in the air without his having already imparted to us knowledge about it," or as he (*radiyallahu 'anhu*) said. Therefore, whoever is ignorant then it is due to his turning away, and there is no excuse for anyone in turning away."[39]

The proofs on the lack of excuse of ignorance in relation to *shirk* and which nullifies *asl ad-Din* are many.

From them is His (*ta'ala*) saying, "A group [of you] He guided, and a group deserved [to be in] error. Indeed, they had taken the *shayatin* (devils) as allies instead of Allah while they thought that they were guided."[40]

At-Tabari (*rahimahullah*) said,

> He (*ta'ala dhikrahu*) is saying, "The group who deserved [to be in] error are misguided from the path of Allah and prevented from traversing the straight

[39] *Al-Fath ar-Rabbani*, v. 1, p. 146.
[40] Al-A'raf: 30.

> path because of having taken the *shayatin* as allies and supporters besides Allah, ignorant of the mistake they have done. Rather, they did so thinking that they are on guidance and upon the truth, and that the correct path is what they took."
>
> This is from clearest of evidences proving the mistake of the one who claims that Allah does not punish someone because of a sin or believing in misguidance unless and until he does so after he has known that it is wrong, so then he does that out of stubbornness to his Lord. If that was the case, then there would be no difference between the group of misguidance that is astray and thinks it is upon guidance and between the group of guidance. Indeed, Allah has established the difference between both their labels and rulings in this *ayah*.[41]

Also, from the proofs that there is no excuse for the ignorant in regards to *shirk* is His (*ta'ala*) saying, "Say: 'Shall We tell you the greatest losers in respect of [their] deeds? Those whose efforts have been wasted in this life while they thought that they were acquiring good by their deeds.'"[42]

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[41] *Tafsir at-Tabari*, v. 12, p. 388.
[42] Al-Kahf: 103-104.

At-Tabari (*rahimahullah*) said,

> This is from the best of proofs highlighting the error of the saying of one who claims that no one can disbelieve in Allah except when he intends *kufr* after having knowledge of His oneness. Allah (*ta'ala dhikrahu*) mentioned about them in this *ayah* that they are those who exerted themselves in this world but were misguided, while believing they were doing good by their deeds. He mentioned that they are the ones who disbelieved in the *ayat* of their Lord, and if the saying of those who claim that no one can disbelieve in Allah except when one has knowledge [was correct], then it would be incumbent for those people whom Allah informed about and said that they thought they were doing good deeds, that they actually were doing good and were to be rewarded for such. However, the [correct] saying conflicts with what they suggest, and the Exalted and Sublime informed us about them that they were with Allah disbelievers and that their deeds were laid to waste.[43]

[43] *Tafsir at-Tabari*, v. 18, p. 128.

When we judge a specific individual with *kufr* and *shirk*, what does that entail?

When we judge someone with *kufr* and *shirk*, even if he was ignorant, it consists of: cutting off the alliance of *iman* between us and him until he repents to Allah (*ta'ala*); there is no marriage with him nor do we eat from his sacrifice; we do not ask Allah to forgive him if he dies in that condition; he is not entitled to the rights which Allah obligated to the *Muslimin*; and so on from the various rulings.

As far as his punishment in the *dunya* and in the Hereafter, then this is dependent on the establishment of the *hujjah* of the Message. This is what is correct from the statements of the *'ulama*, and its proof is the saying of His (*ta'ala*), "And We never punish until We have sent a messenger."[44]

We stress upon the fact that whoever falls into *shirk* from this *ummah* is also a *mushrik kafir*, even if he claims Islam and utters the *shahadatayn*.

He (*ta'ala*) said, "And it was already revealed to you and to those before you that if you should associate [anything] with

[44] Al-Isra: 15.

Allah, your work would surely become worthless, and you would surely be among the losers."[45]

And He (*ta'ala*) said after mentioning His prophets (*'alayhim as-salam*), "That is the guidance of Allah by which He guides whomever He wills of His servants. But if they had associated others with Allah, then all that they used to do would have been of no benefit to them."[46]

These *ayat* are from the strongest of proofs that Islam is rendered null and void with *shirk*, and that whoever from this *ummah* commits *shirk*, then he is a *kafir*, even if he uttered the *shahadatayn* or performed some other rites of Islam.

We conclude with two issues:

The first: is if a person establishes *asl ad-Din*, worships Allah, does not commit *shirk* with Him, and believes in His messenger (*sallallahu 'alayhi wa sallam*), but he is ignorant of the specific term "*asl ad-Din*."

Meaning, if you were to ask him what is *asl ad-Din*, he stutters or does not reply. He is not harmed by that due to him having established *asl ad-Din*, just as it does not harm him if

[45] Az-Zumar: 65.
[46] Al-An'am: 88.

he does not know the specific terminologies of these [other] issues and matters.

The evidence for what we just mentioned is what comes in the two books of *sahih* narrations - with the wording of al-Bukhari - on the authority of Mu'adh ibn Jabal (*radiyallahu 'anhu*) that he said,

> While I was riding upon a donkey with the Prophet (*sallallahu 'alayhi wa sallam*), he said to me three times, "Oh Mu'adh!" I responded each time, "I am here and at your service." Then he said to me, "Do you know what is the right of Allah upon His worshipers?" I replied, "No." He said, "The right of Allah upon His worshipers is that they worship Him without associating anything with Him."

Thus the statement of Mu'adh (*radiyallahu 'anhu*) that he was ignorant of the right of Allah upon His worshipers did not make him fall into *kufr* or *shirk*, because he established that right even though he did not know the *shar'i* terminology that indicates that meaning.

The second issue: one of the matters which we mentioned being from *asl ad-Din* may be hidden to some seekers of knowledge whether it is from *asl ad-Din*, and it is the issue of animosity towards the *mushrikin* and allying with the believers.

As a result, he considers it is from the *wajibat* of the *Din* and not from its *asl*, or he refrains from saying either. This does not nullify *asl ad-Din* so long as he has *bara'ah* from the *mushrikin* and loyalty to the believers.

Shaykh Sulayman ibn 'Abdillah (*rahimahullah*) said,

> It is sufficient for a Muslim to know that Allah made it a duty upon him to take the *mushrikin* as enemies and to not take them as allies, and He made it obligatory to love the believers and to take them as allies. He made this a condition of *iman*, just as He negated the *iman* of whoever shows love to "whoever opposes Allah and His messenger, even if they were their fathers, sons, brothers, or tribesmen." As for that being part of the meaning of '*la ilaha illallah*' or one of its inferred requirements, then Allah did not burden us with looking into that. He only burdened us with knowing that Allah made what was mentioned above a duty and obligation, and obligated acting upon so. This is *fard* and necessary without any doubt. And whoever considers that to be part of its meaning or inferred requirements, then that is fine and an added benefit. But whoever does not consider such, then he is not burdened to do so, especially during an argument or dispute, which leads to something wicked, including disagreement and division between

the believers – those who upheld the obligations of *iman*, waged *jihad* for the sake of Allah, took the *mushrikin* as enemies, and took the *Muslimin* as allies.[47]

[47] *Ad-Durar as-Saniyyah*, v. 8, p. 166.

Chapter 3

Takfir al-Mushrikin

In this chapter, we will begin the discussion, with the help of Allah (*ta'ala*), regarding *takfir al-mushrikin*. We will be discussing two issues:

The first issue: we will answer the question: "What is the position of *takfir* in the *Din*?"

The second issue: we will mention the *'illah*, *manat*, or *sabab* (i.e., the reason) of *kufr* in relation to the *mutawaqqif* (refrainer) of *takfir al-mushrikin*.

Before we go into explaining these, we would like to first mention some statements of the people of knowledge regards to the *kufr* of the one who does not make *takfir* of the *kafir*…

Abul-Hasan al-Malati ash-Shafi'i (*rahimahullah*) said, "The people of the *Qiblah* in totality have agreed, with no disagreement between them, that whoever doubts [the *kufr*] of the *kafir*, then he is a *kafir*."[48]

[48] *Tanbih war-Radd 'ala Ahlil-Ahwa wal-Bida'*, p. 40.

Qadi 'Iyad (*rahimahullah*) said, "We make *takfir* of whoever does not make *takfir* of anyone who follows another way instead of the way of the *Muslimin*, or stops regarding them, or doubts [their *kufr*], or validates their way, even if he professes Islam and belief in it and believes in the falsehood of every other path, as by displaying what opposes it (i.e., by refraining from *takfir*) he is a *kafir*."[49]

An-Nawawi (*rahimahullah*) said, "Whoever does not make *takfir* of those who follow a way instead of Islam, like the Christians, or doubts in regards to making *takfir* of them, or validates their way, then he is a *kafir*."[50]

Al-Hajjawi (*rahimahullah*) stated explicitly whoever "does not make *takfir* of those who follow a way instead of Islam, like the Christians, or doubts their *kufr*, or validates their way… then he is a *kafir*."[51]

Al-Buhuti (*rahimahullah*) stated likewise *takfir* of whoever "does not make *takfir* of those who follow a way instead of Islam, like the people of the Book, or doubts their *kufr*, or validates their way."[52]

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[49] *Ash-Shifa bi-Ta'rif Huquq al-Mustafa*, v. 2, p. 286.
[50] *Rawdah at-Talibin*, v. 10, p. 70.
[51] *Al-Iqna'*, v. 4, p. 298.
[52] *Sharh Muntaha al-Iradat*, v. 3, p. 395.

And Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (*rahimahullah*) said, "Whoever does not make *takfir* of the *mushrikin*, or doubts their *kufr*, or validates their way has disbelieved by *ijma'* (consensus)."[53]

Now we move forward to explaining the first issue which is answering the question: "What is the position of *takfir* in the *Din*?"

The answer is that *takfir* is purely a *hukm shar'i* (lit. a legislative ruling). It does not enter into the *'aql* nor does it fall under the issue and meaning of *asl ad-Din* which we previously explained in the last chapter. Therefore, *takfir al-mushrikin* is from the *wajibat* of the *Din* and not from *asl ad-Din*.

Ok, what is the difference?

The difference is that what is from *asl ad-Din*, then there is no excuse of ignorance and it is not conditioned to establish the *hujjah* on whoever leaves it or leaves part of it.

As for *takfir*, then it is a *hukm shar'i* and there is an excuse of ignorance and *tawil* (interpretation) in respect to it.

Also, *takfir* is not upon one level, rather, there are different levels. So from it is that which is known in the *Din* by

[53] *Ad-Durar as-Saniyyah*, v. 10, p. 91.

necessity, like *takfir* of whoever Allah made *takfir* of specifically in His book, such as Iblis; Fir'awn; and whoever follows a way instead of Islam like the Christians; the Jews; and the idol worshipers. And what is below that from what is differed upon with regards to *takfir* of its doer, like leaving the *salah* and other than that. In addition to that, between them there are varying degrees, which we will soon address in a forthcoming chapter, with the permission of Allah (*ta'ala*).

Thus we say: Verily, *takfir* is from the *wajibat* of the *Din*, a *hukm shar'i*, it has no source except from the *shar'i* evidences, and that the *'aql* has no place in it. This is what is followed and affirmed by the people of knowledge and what they have fixated in this matter. And we will relate some of their statements to you:

Qadi 'Iyad (*rahimahullah*) said, "Title: A Chapter in Clarifying Sayings That Are To Be Considered Kufr, Disputed To Be Kufr, and What is Not Kufr. Know, that verifying this chapter and clarifying the ambiguity in it is to be taken from the *Shar'* (i.e., the *Shari'ah*), the *'aql* has no part in it."[54]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Takfir* is a *hukm shar'i* which renders someone's wealth permissible to take, his blood permissible to shed, and sentencing one with

[54] *Ash-Shifa bi-Ta'rif Huquq al-Mustafa*, v. 2, p. 282.

abiding in the Fire. Thus it is taken how the rest of the *shar'i* rulings are taken."[55]

And he (*rahimahullah*) said, "Indeed, *kufr* and *fisq* are *shar'i* rulings; they are not like those matters which are established by the *'aql*. The *kafir* is whoever Allah and His messenger said is a *kafir*, and the *fasiq* is whoever Allah and His messenger said is a *fasiq*, just as the believer and Muslim is whoever Allah and His messenger said is a believer and Muslim…" Until he said, "So this issue, all of it, is established by the *Shar'*."[56]

And he (*rahimahullah*) said, "*Iman* and *kufr* are from those rulings which are established by the Message, and it is by *shar'i* evidences that distinguish between the believer and the *kafir*, not the intellectual proofs."[57]

Al-'Allamah ibnul-Qayyim (*rahimahullah*) said,

> [Placing] *kufr* is the right of Allah then *rasuluhu* (His messenger)… Established by the texts not by the saying of *fulan* (so-and-so)…
> Whoever the Lord of creation and *'abduhu* (His slave)… Described as a *kafir*, then he is a possessor of *kufran*."[58]

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55 *Bughyah al-Murtad*, p. 345.
56 *Minhaj as-Sunnah an-Nabawiyyah*, v. 5, p. 92.
57 *Majmu' al-Fatawa*, v. 3, p. 328.
58 *Al-Kafiyyah ash-Shafiyyah*, p. 858.

Ibn Wazir as-San'ani (*rahimahullah*) said, "The evidence for *kufr* and *fisq* are not taken except by the explicit revealed texts, and there is no dispute regarding that."[59]

Based on that we say: whoever is ignorant of a *hukm* of the *Shar'* regarding one of the *kuffar* or *mushrikin*, or one of their groups, then his ruling is not like the ruling of the one who commits *shirk*, because that which is *shirk* nullifies *asl ad-Din*, as we mentioned in the previous chapter. But rather, his ruling is like the ruling of anyone else who is ignorant of some rulings of the *Shari'ah* or some of the obligations of Islam. So whoever has had the *hujjah* of the Message established against him regards to that disbelieves, but whoever has not had the *hujjah* of the Message reach him, then he is not a *kafir*. This is in contrast to being ignorant of *tawhid*, which is *asl ad-Din*, for indeed, he is a *kafir* with the *kufr* of ignorance.

This is what is followed and established by the people of knowledge regarding the difference between being ignorant of *asl ad-Din* and being ignorant of the *shar'i* obligations.

Imam Muhammad ibn Nasr al-Marwazi narrated from a group of people of *hadith* that they said,

[59] *Al-'Awasim min al-Qawasim*, v. 4, p. 179.

> It is clear that knowledge of Allah is *iman* and ignorance of Him is *kufr*. Similarly, fulfilling the obligations is *iman* but being ignorant of them before they are revealed is not *kufr*…
>
> Whoever rejects and denies these obligations now has disbelieved in the information revealed by Allah. But a Muslim who does not have knowledge of the revealed texts of Allah is not regarded as a *kafir*, and ignorance of Allah, in any case, is *kufr* whether before or after the *khabar* (revealed texts).[60]

Concerning the manner in which establishing the *hujjah* takes place and how that condition is fulfilled before *takfir* differs depending on whether the matter is apparent and obvious or hidden and obscure. Thus the *hujjah* could be established on the *mutawaqqif* from *takfir* in a place where knowledge was present, so that the refraining is done from abandonment and is not done due to ignorance, and there being no excuse except if he was new into Islam or was raised in a remote area. On the other hand, indeed, the establishment of the *hujjah* could be by explaining the *shar'i* text indicating the *kufr* of whoever does or says this or that, and the general reaching of the Quran would not be sufficient. For verily, in some cases the establishment of the *hujjah* is by explaining the

[60] *Ta'dhim Qadar as-Salah*, v. 2, p. 520.

evidence alongside removing the misconception and responding to the evidences of the opponent.

There will be further clarification regarding this matter in the discussion on the levels of those who refrain from *takfir*.

Indicating the difference between the ignorance of *Shari'ah* rites and the ignorance in *asl ad-Din*, or regarding *takfir al-mushrikin* being from the *Shari'ah* rites and not from *asl ad-Din* are a number of evidences; from them:

Indeed, all of the prophets (*'alayhim as-salam*) began by calling their people to the worship of Allah alone with no partners. And if ignorance in the rulings of *takfir* was *kufr* there would not have been a moment of delay in clarifying *asl ad-Din*.

As well, from the proofs of this differentiation that *takfir* is from the *wajibat* of the *Din* and not from *asl ad-Din* is what is confirmed from the *Sahabah* (*radiyallahu 'anhum*) with regards to refraining from *takfir* of people who fell into *riddah* (apostasy) and calling them *Muslimin*. When the *ayat* were revealed making it clear the *kufr* of those people, they (i.e., the *Sahabah*) were not asked to repent from their *tawaqquf* (refrainment). Whereas it is confirmed that one of the *Sahabah* fell into *shirk* out of ignorance, despite that, the *Sahabah* declared his *kufr*, and the Prophet (*sallallahu 'alayhi wa*

sallam) ordered him to renew his *islam*. This proves the differentiation between falling into *shirk* due to ignorance and between being ignorant of the *Shari'ah* rites and rulings.

On authority of ibn 'Abbas (*radiyallahu 'anhuma*), that he said,

> Some of the people of Makkah accepted Islam but they used to hide their *islam*. Then the *mushrikin* took them out with them on the Day of Badr. Some were wounded and some of them were killed. The *Muslimun* said, "These companions of ours were *Muslimin* and were forced [to go out], so seek forgiveness for them." Then the *ayah* came down, "Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell - and evil it is as a destination." So a message was sent with this *ayah* to those *Muslimin* who remained and that there is no excuse for them. They then left, but the *mushrikin* followed and caught up with them and dragged them into *fitnah*. Therefore, this *ayah*: "And of the people

> are some who say 'we believe in Allah,'" was sent down.[61]

Shaykh 'Abdullah ibn Muhammad ibn 'Abdil-Wahhab (*rahimahumullah*) said, "Thus Allah revealed this *ayah* and made clear the ruling of those *mushrikin* and that they are from the people of the Fire, even though they professed Islam."[62]

And on the authority of Sa'd ibn Abi Waqqas (*radiyallahu 'anhu*) that he said,

> We were talking about something, and I had only recently left *jahiliyyah* behind, so I swore by al-Lat and al-'Uzza. The companions of the Messenger of Allah said to me: "What a terrible thing you have said! Go to the Messenger of Allah and tell him, for we think that you have committed *kufr*." So I went to him and told him, and he said to me: "Say *la ilaha illallah wahdahu la sharika lah* (there is none worthy of worship except Allah alone with no partners) three times, and seek refuge with Allah from the *Shaytan* three times, and spit dryly to your left three times, and do not say that again."[63]

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[61] Narrated by at-Tabari in his *tafsir* (v. 9, p. 102) with an authentic chain.
[62] *Ad-Durar as-Saniyyah*, v. 10, p. 241.
[63] Narrated by an-Nasai with a *jayyid* chain.

Ibnul-Wazir as-San'ani (*rahimahullah*) commented on this *hadith* and said, "This is a command to renew [one's] *islam*."[64]

Ibnul-'Arabi al-Maliki (*rahimahullah*) said, "Therefore, whoever swears by al-Lat and al-'Uzza while in Islam, and puts stress on that, meaning, of glorification, is in reality a *kafir*."[65]

Shaykh Sulayman ibn 'Abdillah (*rahimahullah*) said, "It was taken from it (i.e., the *hadith* of Sa'd) by a group of scholars who said if he was to swear by other than Allah, [then he] disbelieves and commits *shirk*. They said because the Prophet (*sallallahu 'alayhi wa sallam*) ordered him to renew his *islam* by saying *la ilaha illallah*; if he had not disbelieved, he would not have been ordered to do so. The majority of scholars, on the other hand, said he does not fall into major *kufr* that removes one from the *Millah* and that rather, it is minor *shirk*."[66]

Thus he was not excused (*radiyallahu 'anhu*) for falling into that, even though he just recently left *jahiliyyah*.

Also, from the proofs of this differentiation that *takfir* is from the *wajibat* of the *Din* and a *hukm shar'i*, and not from *asl ad-Din* which no one is excused in, is what is narrated from the *Sahabah* (*radiyallahu 'anhum*) in their differing amongst each

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[64] *Ithar al-Haqq 'ala al-Khlaq*, p. 380.
[65] *'Aridah al-Ahwidhi*, v. 1, p. 28.
[66] *Taysir al-'Aziz al-Hamid*, p. 529.

other regards to *takfir* of some *murtaddin*. When Allah (*ta'ala*) clarified the *kufr* of those people (i.e. the *murtaddin*), He did not order those who refrained from *takfir* to renew their *islam*.

Indeed, Allah (*ta'ala*) said, "What is [the matter] with you [that you are] two groups concerning the hypocrites, while Allah has made them fall back [into error and disbelief] for what they earned. Do you wish to guide those whom Allah has sent astray? And he whom Allah sends astray - never will you find for him a way [of guidance]. They wish you would disbelieve as they disbelieved so you would be alike. So do not take from among them allies until they emigrate for the cause of Allah."[67]

What is authentic in relation to the reason for its revelation is that the Prophet (*sallallahu 'alayhi wa sallam*) went out to [the Battle] of Uhud and some people then who were originally with him, left and turned back. The *Sahabah* of the Prophet (*sallallahu 'alayhi wa sallam*) were split on two opinions concerning them; some said, "We should kill them," while others said, "Do not."[68]

And it has been authentically reported from Mujahid (*rahimahullah*) that he said,

[67] An-Nisa: 88-89.
[68] Agreed upon.

> Some people came out from Makkah until they reached Madinah. They claimed to be *muhajirun* and then committed *riddah* after that. They asked the Prophet (*sallallahu 'alayhi wa sallam*) for permission to return to Makkah and to take their goods in order to trade. The believers differed regarding them; some said, "They are *munafiqun*," and others said, "They are believers." Then Allah showed their *nifaq* and ordered to fight them.[69]

Indeed, it was also reported with this meaning from 'Abdur-Rahman ibn 'Awf and ibn 'Abbas (*radiyallahu 'anhum*). Additionally, it was authentically narrated in *mursal* (i.e., missing a companion in the narration) form from a number of *Tabi'in*, and they are: 'Ikrimah, as-Suddi, Qatadah, and Muhammad ibn Ka'b al-Qaradhi (*rahimahumullah*).

Imam at-Tabari (*rahimahullah*) said in his explanation of the *ayah* of His (*ta'ala*) saying: "What is [the matter] with you that you are two groups concerning hypocrites while Allah has made them fall back [into error and disbelief] for what they earned?" He said,

[69] Narrated by at-Tabari with an authentic chain.

> It means: Allah returned them to the rulings of the people of *shirk*, in that their blood is permissible to be shed and their offspring enslaved.[70]

Indeed, Imam at-Tabari gave precedence to the opinion that the reason for the revelation of this *ayah* was concerning a people who apostatized from Islam. He said, after mentioning the different sayings of the *Salaf* regards to the reason for its revelation,

> And the first of these opinions is correct. The opinion which stated this *ayah* was revealed in regards to the differing of the companions of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) concerning people who apostatized after Islam from the people of Makkah.[71]

Ibn Abi Zamanin (*rahimahullah*) said,

> They were people from the *munafiqin* who were in Madinah then left to Makkah. Then they left Makkah to Yamamah for trade, and then they apostatized from Islam and exposed what was in their hearts of *shirk*. Therefore, the *Muslimin* met up with them and were split into two (i.e., two groups) regarding them.

[70] *Tafsir at-Tabari*, v. 8, p. 7.
[71] *ibid*, v. 8, p. 13.

> Some said: "Their blood is permissible. They are *mushrikin murtaddin*." Others said: "Their blood is not permissible. They are a people who *fitnah* took hold of." As a result, Allah (*ta'ala*) said, "What is [the matter] with you [that you are] two groups concerning the hypocrites."[72]

Another proof is what is favored by a group of scholars in that 'Umar ibnul-Khattab (*radiyallahu 'anhu*) refrained from *takfir* of those who resisted the *zakah* in the beginning. When Abu Bakr (*radiyallahu 'anhu*) clarified their *kufr* to him, he agreed with him and was not asked to repent from his refraining in relation to them.

Verily, it is authentically reported from 'Umar (*radiyallahu 'anhu*) that he said to Abu Bakr about the *murtaddin*,

> How can you fight the people when the Messenger of Allah (*sallallahu 'alayhi wa sallam*) said, "I was ordered to fight the people until they say *la ilaha illallah*, so whoever says that, his wealth and self is protected from me except by its right (i.e. accordance to *Shari'ah*), and their account is with Allah."[73]

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[72] *Tafsir al-Quran al-'Aziz*, v. 1, p. 393.
[73] *Sahih al-Bukhari*, v. 2, p. 105, #1399.

As a matter of fact, some of the leading scholars of the *Salaf* refrained, in the beginning of the matter, from *takfir* of those who said the Quran is created. And from them are some who refrained from declaring the *kufr* of the Jahmiyyah, despite its severity. They were not *kuffar* due to that, and when the evidence indicating their *kufr* became clear to them, they did not refrain [from *takfir*] of them, nor did they renew their *islam* due to their prior refrainment.

On the authority of Yaqub ibn Ibrahim ad-Dawraqi who said,

> I asked Ahmad ibn Hanbal about the one who says the Quran is created, and he replied back to me, "I used to not make *takfir* of them until I read [some] *ayat* from the Quran: 'So if you were to follow their desires after what has come to you of knowledge.' And His saying: 'After the knowledge has reached you.' And His saying: 'He has sent it down with His knowledge.'"[74]

And from ibn 'Ammar al-Mawsili (*rahimahullah*) who said,

> Ibnul-Madini said to me: "What prevents you from making *takfir* of them (i.e., the Jahmiyyah)?!" And I had initially refrained from making *takfir* until

[74] Cited by Abi Ya'la in *Tabaqat al-Hanabilah* (v. 1, p. 414) from the book of al-Khallal, and its chain is *jayyid*.

> ibnul-Madini said to me what he said; so when he gave in during the *Mihnah*, I wrote to him reminding him of Allah and reminding him of what he told me in making *takfir* of them.[75]

And with that we conclude the first issue…

We now begin the second issue which is: "What is the *manat*, *'illah*, or *sabab* of *kufr* for the one who refrains from *takfir al-mushrikin*?"

The answer: It is due to *takthib* (belying) and denying the *Shari'ah* texts. By looking at the statements of the people of knowledge regarding this nullifier it is apparently clear that what is firmly settled is that the *kufr* of the one who refrains from *takfir* returns back to belying and denying the *Shari'ah* texts, not from the angle of nullifying *asl ad-Din*.

Verily, a multitude of scholars repeatedly made mention of this *manat* based on that fact that *kufr* here is due to rejecting the widespread legal rulings that are agreed upon, or due to rejecting what is known from the *Din* by necessity.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Kufr* is only by rejecting what is known from the *Din* by necessity, or

[75] Narrated by al-Khatib al-Baghdadi in *Tarikh Baghdad* with an authentic chain.

rejecting the widespread legal texts that are agreed upon and what is similar to that."[76]

Here is what we have found concerning this from the sayings of the people of knowledge who stated the *manat* of *kufr* for the *mutawaqqif* of the *kafir*.

Indeed, Qadi 'Iyad mentioned the reason for *takfir* of the *mutawaqqif* of the Jews, Christians, and from those who conflict with the *Din* of Islam, according to what was cited from al-Baqillani:

> Because the *Tawqif* (the revealed texts) and consensus agreed on their *kufr*, so whoever refrains from that has rejected the evidences and texts, or he doubted them; as rejecting or doubting these two does not come except from a *kafir*.[77]

Ibnul-Wazir as-San'ani (*rahimahullah*) said about the issue of making *takfir* of the one who doubts in regards to [the *kufr* of] the idol worshiper and does not make *takfir* of him: "There is no other reason except that his kufr (i.e., the idol worshiper) is known in the Din by necessity."[78]

[76] *Majmu' al-Fatawa*, v. 1, p. 106.
[77] *Ash-Shifa bi-Ta'rif Huquq al-Mustafa*, v. 2, p. 28.
[78] *Ar-Rawd al-Basim*, v. 2, p. 508.

Shaykh 'Abdullah ibn Muhammad ibn 'Abdil-Wahhab (*rahimahullah*) explained the reason being for making *takfir* of one who says "that it is not permissible to make *takfir* of one who says the *shahadatayn* even if he worships other than Allah," by stating, "Because whoever says that has belied Allah, His messenger, and the consensus of the *Muslimin*."[79]

And some of the *Aimmah ad-Da'wah an-Najdiyyah* said, "Indeed, those who do not make *takfir* of the *mushrikin* have not affirmed [belief in] the Quran. For verily, the Quran has made *takfir* of the *mushrikin* and has ordered to make *takfir* of them, to take them as enemies, and to fight them."[80]

[79] *Ad-Durar as-Saniyyah*, v. 10, p. 250.
[80] *ibid*, v. 9, p. 291.

Chapter 4

Takfir al-Mushrikin

(Part 2)

In this chapter, we will continue the discussion, with the help of Allah (*ta'ala*), regarding two issues:

The first: "Is all of *takfir al-mushrikin* upon one level or upon multiple levels?"

The second: We will make mention of the different levels of the *mutawaqqifin* (refrainers) of *takfir al-mushrikin*…

We will now begin with the first issue: "Is all of *takfir al-mushrikin* upon one level or upon multiple levels?"

The answer: The words of the people of knowledge have stipulated that *takfir* is a *hukm shar'i* upon different levels dependent on two matters:

The first: how strongly established it is in the *Shar'*; meaning, how clear and apparent is the *shar'i* evidence for the *kufr* of

so-and-so from the people, and it is what is known as knowing the *hukm*…

The second: how firmly established it is that the specific individual who fell into *shirk* and *kufr* is, and it is what is referred to as knowing the *hal* (the reality). And it is by seeing, or by hearing, or by the testimony of witnesses…

Indeed, Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "*Takfir* is a *hukm shar'i* which renders someone's wealth permissible to take, his blood permissible to shed, and sentencing one with abiding in the Fire. Thus it is taken how the rest of the *shar'i* rulings are taken. At times it is perceived to be certain, sometimes highly assumed, and at other times hesitation occurs in it. Whenever hesitation comes, refraining from *takfir* is given precedence, while rushing into *takfir* occurs habitually with those whom are overcome by ignorance."[81]

That opposes the claim of those who say that all types of *kufr* and *shirk* are upon one level and that it is to be known by both the knowledgeable and the ignorant. There is no doubt in the invalidity of this claim and its opposition to what has been stated by the people of knowledge with regards to this

[81] *Bughyah al-Murtad*, p. 345.

issue. Rather, it even clashes with the texts which state that some types of *kufr* are worse and more severe than others.

He (*ta'ala*) said, "They were nearer to disbelief that day than to faith."[82] And He (*ta'ala*) said, "Indeed, the postponing [of restriction within sacred months] is an increase in disbelief."[83] And He (*ta'ala*) said, "Those who disbelieved after their belief and then went on increasing in *kufr*…"[84] And He (*ta'ala*) said, "The bedouins are more severe in *kufr* and *nifaq*."[85]

As for the second issue, and it is: the varying levels of the *mutawaqqifin* in *takfir al-mushrikin*…

So we say: Verily, with regards to the *mutawaqqifin* in *takfir al-mushrikin* there are varying levels dependent on the strength of the *shar'i* evidence and the apparantness of the *kufr* or *shirk*…

Shaykh al-Mujaddid Muhammad ibn 'Abdil-Wahhab (*rahimahullah*) said, "Those *tawaghit* whom the people believe in, commend, and order the people with, from the people of al-Kharaj and other ones well-known and famous to all; they are all *kuffar* apostates from Islam. And whoever argues for

[82] Al 'Imran: 167.
[83] At-Tawbah: 37.
[84] Al 'Imran: 90.
[85] At-Tawbah: 97.

them, or rebukes whoever makes *takfir* of them, or claims that their actions - although wrong - does not take them to *kufr*, then the least one can say about this defender is that he is a *fasiq*. His advice is not taken, nor his testimony, and *salah* is not performed behind him."[86]

Consider his statement and how he recognized different levels of the *mutawaqqif* of those *tawaghit*; the lowest level among them is *fisq*. And this confirms that the *mutawaqqifin* of the *mushrikin* have different levels and degrees.

These levels are based on the strength of the textual evidence and how apparent the *kufr* or *shirk* is, regardless of its severity. The *shirk* might be more severe in one case, while it is not as apparent as that which is less severe than it.

An example of that is: the *shirk* of the idol worshiper compared with the *shirk* of the Jahmiyyah. The ruling of *takfir* of the *mutawaqqif* of the idol worshiper is stronger than the ruling of *takfir* of the *mutawaqqif* of the Jahmiyyah because the worship of idols is more well founded in apparentness than that of *tajahhum*,[87] even though *tajahhum* is more severe in *shirk*.

[86] *Ad-Durar as-Saniyyah*, v. 10, p. 52.

[87] Publisher's note: It is the creed of the Jahmiyyah which includes, but not limited to, denying the attributes of Allah.

Al-'Allamah ibnul-Qayyim (*rahimahullah*) said, "Indeed, the *mushrik* who affirms the attributes of the Lord is better than the denying rejector of His perfect attributes… So where is the comparison in maligning and denying the attributes of perfection, from worshiping an intermediary between the True Deity, and a worshipper who seeks nearness to Him by worshiping that intermediary, doing so out of magnifying and honoring Him (i.e., there is no comparison). The disease of this *ta'til* (rejection) is a continual disease which has no cure." [88]

And he (*rahimahullah*) said, "The *shirk* of the worshiper of the idols, the statues, the sun, the moon, and the stars, is far better than the *'tawhid'* of those (i.e., Jahmiyyah). Certainly, their (i.e., the idol worshiper, etc.) *shirk* is in *ilahiyyah* while affirming the Creator, His attributes, actions, ability, will, and His knowledge of all things, and the *'tawhid'* of those (i.e., Jahmiyyah) is in denying His *rububiyyah*, *ilahiyyah*, and all His attributes. Thus this *shirk* is the worse type, and the more a person increases in *ta'til*, the worse his *shirk* becomes."[89]

Based on what has past, we will begin mentioning the various levels of those *mutawaqqifin* of the *mushrikin* or *kuffar*

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[88] *Ad-Da wad-Dawa*, p. 144.
[89] *Mukhtasar as-Sawa'iq al-Mursalah*, p. 186.

according to how apparent the evidences are for their kufr, relying on the speech of the people of knowledge for that.

The first level: whoever refrains [from *takfir*] in regards to whose *kufr* is known by necessity from the *din* of the people of the religions; from which is:

First: whoever refrains [from *takfir*] of Iblis, Fir'awn, or of whoever claims divinity for himself or others.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said about *takfir* of whoever does not make *takfir* of Fir'awn, "Verily, this is knowledge known by necessity from the *din* of the people of the religions. The *Muslimin*, the Jews, and the Christians know that Fir'awn was from the most disbelieving creations in Allah."[90]

Second: whoever refrains [from *takfir*] of the idol worshiper, even if he affiliated himself to Islam.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said with regards to *takfir* of whoever validates the worship of idols, "And whoever does not make *takfir* of them, then he is more

[90] *Majmu' al-Fatawa*, v. 2, p. 125.

disbelieving than the Jews and Christians, as even the Jews and Christians make *takfir* of the idol worshipers."[91]

Ibnul-Wazir as-San'ani (*rahimahullah*) said, "There is no doubt that whoever doubts in the *kufr* and does not make *takfir* of the idol worshiper, that it is obligatory to make *takfir* of him, and there is no other reason except that his *kufr* (i.e., the idol worshiper) is known in the *Din* by necessity."[92]

The ruling of the *mutawaqqif* in relation to this level is *kufr*, and there is no excuse of ignorance for whomever the Prophetic proof has reached.

The second level: whoever refrains [from *takfir*] in regards to whose kufr is known by necessity in the *Din* of the *Muslimin* in particular; such as whoever refrains [from *takfir*] of the Jews, Christians, or whoever differs from the *Din* of Islam.

Qadi 'Iyad (*rahimahullah*) said, "We make *takfir* of whoever does not make *takfir* of anyone who follows another *din* other

[91] *ibid*, v. 2, p. 127.
[92] *Ar-Rawd al-Basim*, v. 2, p. 509.

than the *Millah* of the *Muslimin*, or stops short regarding them, or doubts [their *kufr*], or validates their way."[93]

And Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Whoever does not make it prohibited to follow the religion of the Jews and Christians after he (*sallallahu 'alayhi wa sallam*) was sent, rather, whoever does not make *takfir* of them and does not have enmity towards them, is not a Muslim by the consensus of the *Muslimin*."[94]

The ruling of the *mutawaqqif* in this level is *kufr*, and there is no excuse of ignorance for whomever the Prophetic proof has reached.

The third level: whoever refrains [from *takfir*] of whoever ascribes to Islam and fell into *shirk* or *kufr* that there is a consensus regards to the disbelief of whoever fell into it; and those [who refrain from *takfir*] are upon different levels:

The first from the third level: the one who does not have a *tawil* with him. In this case, he is to be explained to and shown either the reality [of those who fell into the agreed upon *shirk* or *kufr*], or the *shar'i hukm* regarding them, or both their reality and *shar'i hukm*. This is in accordance with how

[93] *Ash-Shifa bi Ta'rif Huquq al-Mustafa*, v. 2, p. 286.
[94] *Majmu' al-Fatawa*, v. 27, p. 464.

widespread and apparent the *shirk* is and how clear the reality is for the *mutawaqqif* in regards to them. If after that, one still refrains, then he is a *kafir*. And if their reality and *shar'i hukm* is already apparently clear, then the one who refrains [from *takfir*] is judged with *kufr* without any explanation.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said about a sect from the Batiniyyah, "The one who has a good opinion of them and claims to be unaware of their reality, then their reality is clarified to him, if he does not disassociate himself from them and openly reject them, he is to be judged as being from them."[95]

Thus look to how Shaykhul-Islam restricted *takfir* of the one who refrains [from *takfir*] regarding that sect upon his knowing their reality.

Shaykh Sulayman ibn 'Abdillah (*rahimahumallah*) said with regards to some apostates in his time, "If someone doubts their *kufr* or is ignorant of their *kufr*, it is to be clarified to him using evidences about their *kufr* from the Book of Allah and the Sunnah of His messenger (*sallallahu 'alayhi wa sallam*). After that, if he doubts or hesitates, then he is a *kafir*

[95] *ibid*, v. 2, p. 133.

according to the agreement of the scholars, since the one who doubts the *kufr* of a *kafir* is himself a *kafir*."[96]

Notice here that Shaykh Sulayman stipulated explaining and showing the *shar'i hukm* to the *mutawaqqif* before making *takfir* of him.

Imam Abu Hatim ar-Razi (*rahimahullah*) said about the one who says the Quran is created, "Whoever doubts his *kufr* from those who understand and are not ignorant, then he is a *kafir*. And whoever is ignorant is taught. So he either complies to the truth of making *takfir* of him, or else *kufr* would be applied."[97]

In relation to this type, Abu Hatim conditioned teaching the *mutawaqqif* before making *takfir* of him.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said in regards to the Hululiyyah,[98] "Whoever doubts their *kufr* after knowing their statements and [after] knowing the *Din* of Islam, then he is a *kafir* like whoever doubts in the *kufr* of the Jews, Christians, and *mushrikin*."[99]

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[96] *Ad-Durar as-Saniyyah*, v. 8, p. 160.
[97] *Tabaqat al-Hanabilah*, v. 1, p. 286.
[98] Publisher's note: They are a Jahmi sect whose beliefs revolve around the false notion that Allah is everywhere. And He is far above their claim.
[99] *Majmu' al-Fatawa*, v. 2, p. 368.

As for this instance, he conditioned informing both the reality and the *shar'i hukm*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said about the Druze sect, "There is no disagreement in the *kufr* of these amongst the *Muslimin*. Rather, whoever doubts their *kufr* is a *kafir* like them."[100]

Notice in this form that in making *takfir* of the *mutawaqqif*, he did not stipulate the condition of explaining the reality and [*shar'i*] *hukm*. This is due to the apparent reality of this sect and of the proofs indicating their *kufr*.

The second category from the third level: it is the one who has corrupt principles, then comes with a *tawil*. The ruling on him hangs on how apparent and widespread the *kufr* of a specific individual or group and sect is.

Therefore, if the *kufr* is widespread and known, then he is to be considered as a denying obstinate *kafir* hiding behind the guise of his *tawil*. And in other cases and situations there is a dispute on whether he is a *fasiq* or *kafir*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said regarding a sect of the Batiniyyah, "As for whoever says their statements have a *tawil* that agrees with the *Shari'ah*, then he is to be

[100] *ibid*, v. 35. 162.

considered as one of their heads and leaders. If he was intelligent, then he would know his lie in that which he said, and if he actually believes in that inside and out, then he is more disbelieving than the Christians. And so the one who does not make *takfir* of those (i.e., Batiniyyah) and excuses their statements [of *kufr*] due to *tawil*, would be even further away from *takfir* of the Christians for their belief in the trinity."[101]

And he (*rahimahullah*) also said, "And from him (i.e., Imam Ahmad) there are two narrations in making *takfir* of the one who refrains from *takfir* (i.e., those who do not make *takfir* of the Jahmiyyah), and what is correct from the two is that he does not disbelieve."[102]

Imam al-Bukhari (*rahimahullah*) said, "I have looked into the sayings of the Jews, Christians, and Majus, and I have never seen a people more astray in their *kufr* than them (i.e., the Jahmiyyah), and I consider those who do not make *takfir* of them to be ignorants, except for the one who does not know their *kufr*."[103]

What is apparent from this statement by Imam al-Bukhari is that he leans towards refraining from *takfir* of those who

[101] *ibid*, v. 2, p. 133.
[102] *ibid*, v. 12, p. 486.
[103] *Khalq Af'al al-'Ibad*, p. 71.

refrain from *takfir* of the Jahmiyyah, which is similar to one of two narrations from Ahmad.

Al-Mardawi (*rahimahullah*) said,

> Ibn Hamid in his *usul* mentioned the *kufr* of the Khawarij, Rafidah, Qadariyyah, and the Murjiah, and said, "Whoever does not make *takfir* of those whom we have made *takfir* of, then he is ruled with *fisq* and is abandoned. There are two opinions regarding his *kufr*." And what he (i.e., ibn Hamid) mentioned, and others besides him from al-Marwadhi, Abu Talib, Ya'qub, and those like them, is that such a person does not disbelieve…
>
> He (i.e., ibn Hamid) said regarding the Mu'tazilah who deny that the heart of the Prophet (*sallallahu 'alayhi wa sallam*) was taken out and returned [to his body] during the night of the *Isra*, "There are two opinions with regards to their *kufr*," based on his principle in relation to the Qadariyyah who deny the knowledge of Allah and that it is as an attribute of Him, and based upon [his ruling] of who says, "I do not make *takfir* of the one who does not make *takfir* of the Jahmiyyah." [104]

[104] *Al-Insaf fi Ma'rifah ar-Rajih min al-Khilaf*, v. 1, p. 324.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "As for the *Salaf* and the leading scholars, they did not dispute amongst each other over not making *takfir* of the Murjiah, the Shi'ah *al-Mufaddalah* (i.e., those who preferred 'Ali over other *Sahabah* without cursing them), and other [groups of *bida'*]. There is no discrepancy in the narrations of Ahmad in not making *takfir*, even though some of his companions differed from what is reported from him or his *madhhab* and mentioned the making of *takfir* of all the people of *bida'* from those [mentioned] or other than them, contrary to what is reported from him or his *madhhab*; until some of them made those and others remaining [in Jahannam] a general [rule], and this is an error according to his *madhhab* and according to the *Shari'ah*."[105]

As for the third category from the third level: it is the one who has sound principles, then comes with a *tawil*, as what occured from some *Sahabah* (*radiyallahu 'anhum*) in their error in regards to some apostates. When Allah (*ta'ala*) clarified the mistake of those who made *tawaqquf*, He did not label them with *kufr*.

On authority of ibn 'Abbas (*radiyallahu 'anhuma*), that he said,

> Some of the people of Makkah accepted Islam but they used to hide their *islam*. Then the *mushrikin* took

[105] *Majmu' al-Fatawa*, v. 3, p. 351.

> them out with them on the Day of Badr. Some were wounded and some of them were killed. The *Muslimun* said, "These companions of ours were *Muslimin* and were forced [to go out], so seek forgiveness for them." Then the *ayah* came down, "Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell - and evil it is as a destination." So a message was sent with this *ayah* to those *Muslimin* who remained, and that there is no excuse for them. They then left, but the *mushrikin* followed and caught up with them and dragged them into *fitnah*. Therefore, this *ayah*: "And of the people are some who say 'we believe in Allah,'" was sent down.[106]

Shaykh 'Abdullah ibn Muhammad ibn 'Abdil-Wahhab (*rahimahumullah*) said, "Thus Allah revealed this *ayah* and made clear the ruling of those *mushrikin* and that they are from the people of the Fire, even though they professed Islam."[107]

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[106] Narrated by at-Tabari in his *tafsir* (v. 9, p. 102) with an authentic chain.
[107] *Ad-Durar as-Saniyyah*, v. 10, p. 241.

Furthermore, it is narrated that the *Sahabah* (*radiyallahu 'anhum*) disagreed amongst each other with regards to *takfir* of some of the *murtaddin*. When Allah (*ta'ala*) clarified the *kufr* of those people (i.e. the *murtaddin*), He did not order those who refrained from *takfir* to renew their *islam*.

Indeed, Allah (*ta'ala*) said, "What is [the matter] with you [that you are] two groups concerning the hypocrites, while Allah has made them fall back [into error and disbelief] for what they earned. Do you wish to guide those whom Allah has sent astray? And he whom Allah sends astray - never will you find for him a way [of guidance]."[108]

What is authentic in relation to the reason for its revelation is that the Prophet (*sallallahu 'alayhi wa sallam*) went out to [the Battle] of Uhud and some people then who were originally with him, left and turned back. The *Sahabah* of the Prophet (*sallallahu 'alayhi wa sallam*) were split on two opinions concerning them; some said, "We should kill them," while others said, "Do not."[109]

And it has been authentically reported from Mujahid (*rahimahullah*) that he said,

[108] An-Nisa: 88.
[109] Agreed upon.

> Some people came out from Makkah until they reached Madinah. They claimed to be *muhajirun* and then committed *riddah* after that. They asked the Prophet (*sallallahu 'alayhi wa sallam*) for permission to return to Makkah and to take their goods in order to trade. The believers differed regarding them; some said, "They are *munafiqun*," and others said, 'They are believers." Then Allah showed their *nifaq* and ordered to fight them.[110]

It is also narrated from ibn 'Abbas (*radiyallahu 'anhuma*) that he said, "There were two groups and the Messenger (*sallallahu 'alayhi wa sallam*) did not deny anyone from amongst either, then the *ayah* was revealed, 'What is [the matter] with you [that you are] two groups concerning the hypocrites.'"[111]

Imam at-Tabari (*rahimahullah*) said in his explanation of the *ayah* of His (*ta'ala*) saying: "What is [the matter] with you that you are two groups concerning hypocrites while Allah has made them fall back [into error and disbelief] for what they earned?" He said,

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[110] Narrated by at-Tabari with an authentic chain.
[111] *Tafsir at-Tabari*, v. 8, p. 10.

> It means: Allah returned them to the rulings of the people of *shirk*; in that their blood is permissible to be shed and their offspring enslaved.[112]

Indeed, Imam at-Tabari gave precedence to the opinion that the reason for the revelation of this *ayah* was concerning a people who apostatized from Islam. He said, after mentioning the different sayings of the *Salaf* regards to the reason for its revelation:

> And the first of these opinions is correct. The opinion which stated this *ayah* was revealed in regards to the differing of the companions of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) concerning people who apostatized after Islam from the people of Makkah.[113]

Ibn Abi Zamanin (*rahimahullah*) said,

> They were people from the *munafiqin* who were in Madinah then left to Makkah. Then they left Makkah to Yamamah for trade, and then they apostatized from Islam and exposed what was in their hearts of *shirk*. Therefore, the *Muslimin* met up with them and were split into two (i.e., two groups) regarding them.

[112] *Tafsir at-Tabari*, v. 8, p. 7.
[113] *ibid*, v. 8, p. 13.

> Some said: "Their blood is permissible. They are *mushrikin murtaddin*." Others said: "Their blood is not permissible. They are a people who *fitnah* took hold of." As a result, Allah (*ta'ala*) said, "What is [the matter] with you [that you are] two groups concerning the hypocrites."[114]

Another proof is what is favored by a group of scholars in that 'Umar ibnul-Khattab (*radiyallahu 'anhu*) refrained from *takfir* of those who resisted the *zakah* in the beginning. When Abu Bakr (*radiyallahu 'anhu*) clarified their *kufr* to him, he agreed with him and was not asked to repent from his refraining in relation to them.

Indeed, it is authentically reported from 'Umar (*radiyallahu 'anhu*) that he said to Abu Bakr about the *murtaddin*,

> How can you fight the people when the Messenger of Allah (*sallallahu 'alayhi wa sallam*) said, "I was ordered to fight the people until they say *la ilaha illallah*, so whoever says that, his wealth and self is protected from me except by its right (i.e. accordance to *Shari'ah*), and their account is with Allah."[115]

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[114] *Tafsir al-Quran al-'Aziz*, v. 1, p. 393.
[115] Agreed upon.

The ruling in this situation is that the *mutawaqqif* is not made *takfir* of initially. Rather, he is ruled with making a mistake. This ruling is based on the fact that *takfir* is from *al-Ahkam ash-Shar'iyyah* (the *Shari'ah* rulings). The ruling of the mistaken *mujtahid* [here] is like the ruling of others besides him where one makes a mistake in *al-Masail ash-Shar'iyyah* (*Shari'ah* issues). If the proofs are then given and clarified to him, his *tawil* cut off, and he still persists in making *tawaqquf* after that, he becomes a *kafir*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Indeed, *iman* in the apparent widespread obligatory matters being obligatory, and [*iman*] in the apparent widespread prohibited matters being prohibited, is from the greatest foundations of *iman* and principles of the *Din*. The one who rejects them is a *kafir* by consensus. However, the *mujtahid* who errs with regards to some of them is not a *kafir* by consensus."[116]

And Shaykh Sulayman ibn Sahman (*rahimahullah*) said, "If it were decreed that a person from amongst the scholars made *tawaqquf* from pronouncing the *kufr* of a person from the ignorant blind followers of the Jahmiyyiah or the ignorant blind followers of the grave worshipers, it would be possible for us to excuse him regarding that, by saying he is excusably

[116] *Majmu' al-Fatawa*, v. 12, p. 496.

mistaken. We do not say that he is a *kafir* as he is not safe from errors, and the consensus regarding that is certain."[117]

The fourth level: whoever refrains [from *takfir*] in regards to whoever falls into *kufr* or *shirk*, and the reason for refraining is a permitted *shar'i* purpose. So from that is:

(a) Whoever stops [in *takfir*] regarding one who fell into a type of *shirk* or *kufr* that is differed upon whether the doer is expelled from the *Millah*, like leaving *salah*.

(b) From this [level] are those who refrained from those affiliated to *shar'i* knowledge, with the intent to guard the scholars of the *Muslimin* from *takfir*.

The ruling of the *mutawaqqif* here on these two types is that he is a *mujtahid* who will be rewarded, *bi-ithnillah*. Thus if he was correct he will have two rewards, and if he was mistaken one reward.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "Repelling *takfir* from the scholars of the *Muslimin*, even if they were mistaken, is one of the most deserving of the *Shari'ah* purposes. Even if we suppose that by refraining from *takfir* of the speaker - believing that he is not a *kafir* - was for the sake

[117] *Kashf al-Awham wal-Iltibas*, p. 70.

of protecting and supporting his Muslim brother, this would have been a good *shar'i* purpose. And if in his *ijtihad* he was correct, then he will have two rewards, and if he was mistaken then for him is one reward."[118]

Here is an important question, and it is: in which level does the *mutawaqqif* of the grave worshipers fall into?

The answer: The level of the *mutawaqqif* in regards to the Quburiyyah (grave worshipers) differs based upon the apparentness of the *shirk* or belief in the occupant of the grave. No doubt, from it is what is similar to the worshipers of idols or even greater. And from it is what is less than that. And from it is what is restricted to innovations in the *Din*, which does not reach the level of *shirk*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said,

> There are three levels in this *bab* (chapter/section/category): the first: one who calls on other than Allah, whether he is dead or not present, and whether he was from the prophets, righteous, or other than them, and says: "O my master so-and-so help me," "I seek aid from you," "I seek

[118] *Majmu' al-Fatawa*, v. 35. P. 103.

assistance from you," or "aid me against my enemy," and what is similar to this. This is *ash-shirk* with Allah… Worse than that is if says: "forgive me," or "accept my repentance," as done by a group of ignorant *mushrikin*…

Worse than that still, is if he was to prostrate to his grave, or offers *salah* towards him, seeing the *salah* done towards the grave as greater in virtue than *salah* facing the *Qiblah*. Some of them even say: "This is the *qiblah* of the selected people and the Ka'bah is the *qiblah* of the general people…"

Still worse than that is that they see a journey to the grave as a type of *hajj*, even saying that if undertaken a number of times it is equal to *Hajj*, with the extremists amongst them saying that visiting it once is better than *Hajj* to the Ka'bah multiple times, and similar to this. All of this is *shirk*, even if many people have fallen into some of them.

The second: one who says to the dead or absent, from the prophets or righteous: "Ask Allah for me," "Ask your Lord for us," or "Ask Allah for us," similar to what is done by the Christians with regards to Maryam and others. A knowledgeable person would not doubt that this matter is not permissible and that

it is from the innovations which none of the *Salaf* of the *ummah* have taken part in.

Thus it is known that it is not permissible to ask the dead for anything; it should not be sought out from him to make *du'a* to Allah for himself or other than that. It is not permissible to plea to him about worldly affairs or matters pertaining to the *Din*, even if it was permissible to complain to him during his life, because doing so when he was alive does not lead to *shirk*, while this does lead to *shirk*…

The third: that he says: "I ask You, [O Allah], by the name of so-and-so," or "by the virtue of so-and-so," and things similar to this nature that was mentioned by Abu Hanifah, Abu Yusuf, and others, in it not being permissible.[119]

[119] *Majmu' al-Fatawa*, v. 1, p. 350.

Chapter 5

At-Taifah al-Mumtani'ah

In this chapter our talk, with the permission of Allah (*ta'ala*), will be surrounding the issues that dispute arose in regards to the *hukm* of *at-taifah al-mumtani'ah* (resisting group/party/sect) from the rites of Islam.

And before diving into the matter of *at-taifah al-mumtani'ah*, we would like to begin with a brief introduction; so we say:

Indeed, Ahlus-Sunnah wal-Jama'ah have agreed that *iman* is *qawl* (i.e., statements) and *'amal* (i.e., actions), and from the people of knowledge more than one have related a consensus on this. Its explanation is what was outlined by Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) when he said,

> And from the fundamentals of Ahlus-Sunnah wal-Jama'ah is that *ad-Din* and *iman* are statements and actions. The statement of the heart and the tongue, and the action of the heart, tongue, and limbs.[120]

[120] *Al-'Aqidah al-Wasitiyyah.*

To clarify further, when Allah (*ta'ala*) issued a command like *salah*, *zakah*, etc., a pillar of *iman* in relation to the command of Allah (*ta'ala*) is *inqiyad* (compliance) to it, and that is the action of the heart. Therefore, whoever does not establish *inqiyad* in his heart to the command of Allah (*ta'ala*) is a *kafir*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "It is known that *iman* is *iqrar* and not just merely *tasdiq*.[121] *Iqrar* contains and comprises of the statement of the heart, which is *tasdiq*, as well as the action of the heart, which is *inqiyad*." Then he said, "So whoever does not obtain in his heart *tasdiq* and *inqiyad* is a *kafir*."[122]

There is also a need to explain an important matter; and it is that the *inqiyad* of the heart to the command of Allah must manifest itself and show its traces on the limbs. So whoever resists and abstains from the action [of the limbs] then it is an indicator of his lack of *iman* and *inqiyad*, or an indicator of the weakness of his *iman* and *inqiyad*. Thus whoever resists from the action [of the limbs], then he is either a *kafir* or a *fasiq*. And this varies depending on the different forms the abstaining takes.

[121] Publisher's note: *Iqrar* is an act of truly affirming something is definitely true. *Tasdiq* is assenting and it is belief in the heart alone. The subtle difference is mentioned here by Shaykhul-Islam ibn Taymiyyah (*rahimahullah*).
[122] *Majmu' al-Fatawa*, v. 7, p. 638.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The foundation of *iman* is in the heart, and it is the statement of the heart and its action, which is *iqrar* with *tasdiq*, love, and *inqiyad*. And what is in the heart must manifest and show itself on the limbs. If he does not act accordingly, then it is evidence for its absence or its weakness."[123]

What is meant by that is if a man was to resist and abstain from an action from the actions of Islam due to pride and arrogance, then he is a *kafir* due to his lack of *inqiyad*. This *kufr* is like the *kufr* of Iblis who resisted and abstained from making *sujud* to Adam (*'alayhis-salam*), even though he acknowledged it was obligatory [upon him].

We return back to the issue of *at-taifah al-mumtani'ah*; so we say: What is *at-taifah al-mumtani'ah*?

The answer: It is a group that affiliates itself to Islam then abstains and resists with strength and fighting from commiting to a clear and apparent law and rite of Islam, even if they affirm its obligation.

An example is if a group was to abstain from paying the *zakah*, or from commiting to fasting [the month of Ramadan], or its likes from the rites of Islam, even if they

[123] *ibid*, v. 7, p. 644.

affirm its obligation. Or, they do not commit to leaving the clear and apparent prohibited matters such as *riba*, alcohol, and *zina*, even if they affirm its prohibition; and we do not have the ability to bind them except by fighting. Or, they contain strength and abstain from committing to the apparent and clear rites of Islam, even if they do not fight over it.

Next we say: What is the ruling of *at-taifah al-mumtani'ah*?

The answer: The ruling of *at-taifah al-mumtani'ah* according to correct opinion from the scholars is that of apostasy and the leaving of Islam. That is based upon what has passed in the introduction from what *iman* is, that it is *qawl* and *'amal*, with *inqiyad* to His (*ta'ala*) commands being indispensable.

The evidence for that is the consensus of the companions (*radiyallahu 'anhum*), which draws its proof from the fact that that they labeled those who withheld the *zakah* as apostates.

Abu 'Ubayd al-Qasim ibn Sallam said, "And what attests to this is the *jihad* of Abu Bakr as-Siddiq (*radiyallahu 'anhu*) with the *Muhajirin* and *Ansar* against the Arab withholders of *zakah* being just like the *jihad* of the Messenger of Allah (*sallallahu 'alayhi wa sallam*) against the people of *shirk*. There was no difference between them with regards to permitting their

blood, enslaving their families, and taking their wealth as spoils. And they had only withheld it without rejecting it."[124]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The companions agreed, and the leading scholars after them, on fighting the withholders of the *zakah* even though they performed the five *salawat* and fasted the month of Ramadan, and that they were not excused due to their misconception. And due to that they were apostates; they fought for its withholding, even though they acknowledged its obligation as commanded by Allah."[125]

And Shaykh Muhammad ibn 'Abdil-Wahhab said after citing the words of Shaykhul-Islam, "So ponder over his clear speech that the group who resisted paying the *zakah* to the leader were fought and that he ruled them with *kufr*, apostasy from Islam, the enslavement of their children, the taking of their wealth as spoils of war, and that they acknowledged the obligation of *zakah*, performed the five *salawat*, and all other rites of Islam except for the paying of *zakah*. And that all that did not prevent them from being fought, nor did it prevent them from being ruled with *kufr* and apostasy, and that this is established from the Book, the Sunnah, and the consensus of

[124] *Al-Iman*.
[125] *Majmu' al-Fatawa*, v. 28, p. 519.

the companions (*radiyallahu 'anhum*). And Allah knows best."[126]

The ruling of fighting *at-taifah al-mumtani'ah*:

Indeed, what is proven from the Book, the Sunnah, and the consensus of the companions is that it is obligatory to fight *at-taifah al-mumtani'ah*.

Allah (*ta'ala*) said, "And fight them until there is no more *fitnah* and the *Din*, all of it, is for Allah."[127]

Thus if some of the *Din* is for Allah and some other parts are for other than Allah, it is compulsory to fight until the *Din*, all of it, is for Allah.

In the two books of *sahih* narrations (i.e., al-Bukhari and Muslim), on the authority of ibn 'Umar (*radiyallahu 'anhuma*) that the Messenger of Allah (*sallallahu 'alayhi wa sallam*) said,

> I have been ordered to fight the people until they testify that there is nothing worthy of worship except Allah and that Muhammad is the Messenger of Allah, to establish the *salah*, and to give the *zakah*. If they do that, then their blood and wealth are protected from

[126] *Ad-Durar as-Saniyyah*, v. 10, p. 179.
[127] Al-Anfal: 49.

me except for the right of Islam, and their account is upon Allah.

And Abu Bakr (*radiyallahu 'anhu*) said, "Verily, *zakah* is the right on the wealth. By Allah, if they refuse to give me a rope used to tie a she-camel with, that they used to give to the Messenger of Allah (*sallallahu 'alayhi wa sallam*), I will fight them for that."[128]

And Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The scholars have agreed that every group that resists from a clear and apparent rite from the rites of Islam, that it is obligatory to fight them until the *Din*, all of it, is for Allah, just as the *muharibin* [are fought]."[129]

And he also said, "Thus it became known that if some people simply cling to the label of Islam without adhering to its rites and laws, then fighting them is not cancelled. Rather, fighting them is compulsory until the *Din*, all of it, is for Allah and until there remains no *fitnah*. So if some of the *Din* is for other than Allah, fighting becomes obligatory. Therefore, any group which refuses to implement some of the obligatory *salawat*; fasting; or the *Hajj*; or violates the blood and wealth which are sanctified; or engages in consumption of intoxicants; adultery; fornication; gambling; or marries those

[128] Agreed upon.
[129] *Al-Fatawa al-Kubra*, v. 5, p. 529.

who are forbidden to marry; or who do not wage war against the *kuffar*; do not impose the *jizyah* on the Jews and Christians; or any other matter from the obligations and prohibitions of the *Din* for which no one has an excuse for denying or leaving, and which one was to disbelieve if they were to deny its obligation. Thus *at-taifah al-mumtani'ah* is fought over this, even if they affirm them [being obligatory or prohibited]. And I do not know of any disagreement amongst the scholars in this regard."[130]

So if this is the ruling of the group if it was to refrain from observing one of the laws and rites of Islam, then what of if it was to refrain from many more than that? Rather, what of whoever declares that they will not abide by the law of Allah by replacing it with democratic laws or fabricated regulations?!

If that is settled, then some [other] issues need to be clarified:

The first issue: the disagreement that occured between the scholars of the companions, Abu Bakr and 'Umar, regarding *takfir* of *at-taifah al-mumtani'ah*.

Verily, the disagreement that occured at first between the companions over *takfir* of those who withheld the *zakah* is

[130] *Majmu' al-Fatawa*, v. 28, p. 502.

established by the text of the *hadith*, which has been related by al-Bukhari and Muslim from Abu Hurayrah (*radiyallahu ‘anhu*) who said,

> When the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) died, and Abu Bakr replaced him in his stead, and the Arabs fell into *kufr*, ‘Umar said to Abu Bakr, “How can you fight the people when the Messenger of Allah (*sallallahu ‘alayhi wa sallam*) said, ‘I was ordered to fight the people until they say *la ilaha illallah*, so whoever says that, his wealth and self is protected from me except by its right (i.e. accordance to *Shari‘ah*), and their account is with Allah.’” Abu Bakr said, “By Allah, I will fight whoever distinguishes between *salah* and *zakah*. Verily, *zakah* is the right on the wealth. By Allah, if they refuse to give me a rope used to tie a she-camel with, that they used to give to the Messenger of Allah (*sallallahu ‘alayhi wa sallam*), I will fight them for that.” So ‘Umar said, “By Allah, it was not until I saw that Allah had expanded the chest of Abu Bakr to fighting, that I knew it was the truth.”

‘Umar (*radiyallahu ‘anhu*) citing it was prohibited to fight them due to them saying ‘*la ilaha illallah*’ is a clear proof that he did not view them as disbelievers.

From those who made mention of this dispute between the companions was Imam ibn Qudamah in his book *Al-Mughni*. He said after mentioning the two narrations in regards to *takfir* of those who withheld the *zakah*, "It is evident based on the first narration that 'Umar and others from the companions refused to fight in the beginning, and if they had believed that they were disbelievers, then they would not have held back."

The second issue: the mention of the disagreement which occured between the scholars on this matter.

The disagreement between the scholars of Ahlus-Sunnah with regards to the ruling of *kufr* of *at-taifah al-mumtani'ah* is based on the disagreement of the companions (*radiyallahu 'anhum*). Ash-Shafi'i (*rahimahullah*) inclined towards not making *takfir* of those who withheld the *zakah* and went on to say that the affiliating them with *riddah* was from the standpoint of linguistics and not upon a *shar'i* meaning. So he viewed that the companions disputed with regards to fighting but agreed on not making *takfir* of them. He considered those who refused to give a right to the leader as having a *tawil*.

Imam ash-Shafi'i (*rahimahullah*) said,

> The people of *riddah* after the Messenger of Allah (*sallallahu 'alayhi wa sallam*) are of two types: from them are those who were tempted after Islam, such as Tulayhah, Musaylamah, al-'Ansi, and their companions. And from them are those who clung to Islam but refused to give charity. If someone asks: "What is the evidence for that while the people refer to them as the people of *riddah*?" Then this [is the use of] the Arabic language. *Riddah* comes from *irtidad* from what they had been upon to *kufr*, and [also] *irtidad* by preventing its *haqq*. So whoever returns back from something, it is permissible to say that he committed *riddah* from this or that.[131]

Imam Ahmad also leaned towards that in one narration, as al-Athram cited from him about the one who abandons the fast of Ramadan, by asking, "Is he like one who leaves the *salah*?" He replied, "*Salah* is more firmly established, unlike the others." He was then asked, "And the one who leaves [paying] the *zakah*?" He replied, "It has come from 'Abdullah [ibn Mas'ud] that 'one who leaves [paying] the *zakah* is not a Muslim.' And Abu Bakr fought over it, and the *hadith* is regarding the *salah*."[132]

[131] *Al-Umm*, v. 4, p. 227.
[132] *Al-Ahkam as-Sultaniyyah*.

Al-Qadi Abu Ya'la said,

> What is apparent in this is that he narrated the statement of 'Abdullah [ibn Mas'ud] and the action of Abu Bakr, but did not assert it due to him saying, "the *hadith* is regarding the *salah*." Meaning, the reported *hadith* that contained [the mention] of *kufr* is found in regards to the *salah*. And the statement of the Prophet (s*allallahu 'alayhi wa sallam*) is, "Between the slave and *kufr* is leaving the *salah*. So whoever leaves the *salah*, then he has disbelieved." And also because *zakah* is the right of the wealth, and one does not disbelieve for not giving it. And fighting for it is like a *kafarah* (expiation) and like the rights of the people.[133]

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "The *fuqaha* split into two opinions thereafter in relation to the *kufr* of whoever refuses to give it and fights the leader over it while affirming its obligation. Both [opinions] are narrated from Ahmad, just as the two narrations from him regarding *takfir* of the Khawarij."[134]

133 *Al-Masail war-Risalah*, v. 2, p. 50.
134 *Majmu' al-Fatawa*, v. 35, p. 15.

The third issue: is the one who disagrees in the ***kufr*** of ***at-taifah al-mumtani'ah*** an innovator or a Sunni?

We say: whoever said that *at-taifah al-mumtani'ah* does not disbelieve based on his saying that *iman* is a statement but not actions, then he is a Murji. As for whoever says that *iman* is statements and actions, then refrains from declaring the *kufr* of *at-taifah al-mumtani'ah*, he is not an innovator but a *mujtahid* who is mistaken. Imam ash-Shafi'i falls under this, for he affirmed that *iman* is statements and actions just as the generality of the leading scholars of Ahlus-Sunnah wal-Jama'ah did.

Imam ash-Shafi'i (*rahimahullah*) said, "It was by the consensus of the *Sahabah* and those who followed after them, from those whom we have knowledge of, that *iman* is statements, actions, and intention. And none of these three suffices without the others."[135]

This matter resembles the difference of opinion in regards to the *kufr* of the one who leaves the *salah*. Thus whoever from the scholars favored not to declare the *kufr* of the abandoner of *salah* while saying that *iman* is statements and actions, then he is Sunni and not an innovator. Concerning one who does not make *takfir* of the one who leaves the *salah* or views one

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[135] *Sharh Usul I'tiqad Ahl as-Sunnah wal-Jama'ah*, v. 7, p. 957.

that is killed after he is called to it is a Muslim, then he has fallen into the misconception that the Murjiah and Jahmiyyah fell into regarding the name of *iman* and based his view of not making *takfir* upon that [misconception].

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "This point deserves to be reflected over. So whoever knows that what is apparent is connected to what is hidden, the misconception in this issue would be removed from him. He would come to know that whoever from the *fuqaha* said that if one affirms the obligation [of *salah*] and refrains from its performance - that he is not killed or killed while still a Muslim - then he fell into the misconception that the Murjiah and the Jahmiyyah fell into. Which is the same one that those who considered whoever has the willful determination and complete ability does not imply anything from action [fell into]. Therefore, those who abstained from killing this one, from the *fuqaha*, based their saying on this issue of *iman*, in that actions are not from it."[136]

Let us take an example of this:

And it what is related from ibn Shihab az-Zuhri (*rahimahullah*). In *Ta'dhim Qadr as-Salah*, al-Marwazi narrates from ibn Shihab az-Zuhri that he was asked about a man who leaves the *salah*, so he said, "If he left it due to him

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[136] *Majmu' al-Fatawa*, v. 2, p. 957.

innovating a *din* besides the *Din* of Islam, he is to be killed. And if he does it due to him being a *fasiq*, he is to be beaten and imprisoned."

Thus it is clear that ibn Shihab does not view the one who leaves the *salah* as having disbelieved.

It is narrated by al-Lalakai from Ma'qal ibn 'Ubaydillah al-'Absi, that he said to Nafi', the slave of ibn 'Umar,

> They say: "We acknowledge that *salah* is compulsory, but we do not perform it; that alcohol is prohibited, but we drink it; that marrying the mothers is prohibited, but we want to." So he removed his hand from mine and said, "Whoever does that is a *kafir*."

Ma'qal [further] said,

> Later, I met with az-Zuhri and informed him of what they say, and he said, "*Subhan Allah*, have the people started arguing about that? The Messenger of Allah (*sallallahu 'alayhi wa sallam*) said, 'The adulterer is not a believer at the moment when he is committing adultery, and the drinker of wine is not a believer at the moment when he is drinking wine.'"[137]

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[137] *Sharh Usul I'tiqad Ahl as-Sunnah wal-Jama'ah*, v. 5, p. 1025.

So look at his statement in relation to not making *takfir* of the one who abandons *salah*, while he rebukes the Murjiah who take actions outside of the name of *iman*. This is what makes us not accuse the likes of Imam az-Zuhri with *irja* simply because he does not view the one who leaves the *salah* as having disbelieved. Reflect over this matter greatly, and do not be deceived by the multitude of those who seek sedition and the speech of the extremists.

Finally, an important clarification needs to be noted:

It is that the vast majority of those whom we fight today of the sects of *kufr* and apostasy do not fit into the dispute which occured between the people of knowledge in regards to *at-tawaif* (pl. of *at-taifah*) *al-mumtani'ah*. Thus the armies of the *tawaghit* states, their police, and their agents are *kuffar* by consensus. They are closer in resemblance to the followers of Musaylamah and al-Aswad [al-'Ansi] than to those who refrained from [paying] the *zakah*. Accordingly, the soldiers of the *taghut* and everyone who fights for his sake is a *kafir* as stated by the text of the Quran, as He (*ta'ala*) said, "Those who believe fight for the sake of Allah, and those who disbelieve fight for the sake of the *taghut*. So fight against the allies of *Shaytan*. Indeed, the plot of *Shaytan* is weak."[138]

[138] An-Nisa: 76.

Whoever allies with the *taghut* upon ruling by other than what Allah revealed and wages war against the allies of Allah, then he is a *kafir* like him (i.e., the *taghut*). Because whoever allies with the *kuffar* is from them, due to His (*ta'ala*) statement, "And whoever is an ally to them among you - then, indeed, he is [one] of them. Indeed, Allah guides not the wrongdoing people."[139]

And we have previously come across that *bara'ah* from the *mushrikin* and allying with the *muwahhidin* is from *asl ad-Din* in wherein there is no excuse of ignorance, nor interpretation, for anyone with relation to it. This is in general a point of consensus, with all praise belonging to Allah (*ta'ala*).

[139] Al-Maidah: 51.

Chapter 6

Darul-Kufr and *Hijrah*

In this chapter we will discuss, with the permission of Allah (*ta'ala*), two matters:

The first: The *diyar* (pl. of *dar*, lit. lands) and its rulings.

The second: *Hijrah* and its rulings.

We will deal with the following issues relating to the *diyar*:

Firstly: The meaning of *dar* and the categorization of the world into two types of lands.

Secondly: The definition of *darul-Islam* and *darul-kufr*.

Thirdly: The reason for ruling a land with Islam or *kufr*.

Fourthly: The categories of *darul-kufr*.

And we will discuss the following issues regarding the matter of *hijrah*:

Firstly: The ruling of *hijrah*.

Secondly: The ruling on abandoning *hijrah*.

Thirdly: The condition of those residing in *darul-kufr*.

We now commence with the discussion surrounding the rulings relating to the *diyar*.

The first issue from the first matter:

The meaning of *dar*, the categorization of the world into two types of lands, and the legal definition of *dar*.

The scholars from the *Salaf* and those who came after have agreed upon the categorization of the world into two types of lands: *darul-Islam* and *darul-kufr*. This categorization is founded based upon the Book of Allah and the Sunnah of the Messenger of Allah (*sallallahu 'alayhi wa sallam*).

From the Book of Allah is His (*ta'ala*) saying, "And those who, before them, had the *dar* and had adopted *iman* love those who emigrate…"[140]

[140] Surah al-Anfal: 9.

Imam ibn Kathir (*rahimahullah*) said, "Meaning, those who resided in *darul-Hijrah*, before the *Muhajirin* and who believed before many of them."

And He (*ta'ala*) said, "Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell - and evil it is as a destination."[141]

Hijrah, when generally made mention of in the Book and the Sunnah, refers to re-locating one's place of residence from *darul-kufr* to *darul-Islam*.

As for the Sunnah, then the categorization of the *diyar* has come in several *ahadith*. From it is that which has come in the *marfu' hadith* narrated by Muslim from Buraydah ibn al-Hasib (*radiyallahu 'anhu*),

> Then call them towards Islam, if they respond positively then accept it from them and hold yourself from [harming] them. And then call them to migrate from their lands to the *dar* of the *Muhajirin*. And inform them if they do that, then for them will be

[141] Surah an-Nisa: 97.

> what is for the *Muhajirin* and upon them is what is upon the *Muhajirin*.

And an-Nasai (*rahimahullah*) narrated, with a *sahih isnad*, from Jabir ibn Zayd (*radiyallahu 'anhu*) who said,

> Ibn 'Abbas (*radiyallahu 'anhuma*) said, "The Messenger of Allah (*sallallahu 'alayhi wa sallam*), Abu Bakr, and 'Umar were from the *Muhajirin*, as they *hajaru* (abandoned) the *mushrikin*, and some of the *Ansar* were *muhajirin*, as Madinah was a *dar* of *shirk*, then they came to the Messenger of Allah (*sallallahu 'alayhi wa sallam*) during the night of *al-'Aqabah*.

The second issue from the matter of *diyar*:

The definition of *darul-Islam* and *darul-kufr*.

Darul-Islam: it is every land or place in which the laws of Islam are supreme, and dominance, strength, and decision making is with the *Muslimin*, even if the majority of those residing in it are disbelievers.

As for *darul-kufr*: it is every land or place in which the laws of *kufr* are supreme, and dominance, strength, and decision

making is with the disbelievers, even if the majority of those residing in it are *Muslimin*.

Imam ibnul-Qayyim (*rahimahullah*) said, "*Darul-Islam* is that where the *Muslimin* are settled and the laws of Islam are regulated therein. And if the laws of Islam are not enforced, then it is not *darul-Islam*, even if it borders it. This is at-Taif, very close to Makkah, and it did not become *darul-Islam* with the opening of Makkah, similarly the coast."[142]

And ibn Muflih (*rahimahullah*) said, "A section in verifying *darul-Islam* and *darul-harb*: every land which the rulings of the *Muslimin* are predominant, then it is *darul-Islam*. And if the rulings of the *kuffar* are predominant, then it is *darul-kufr*; and there is no other *dar* except these two."[143]

The third issue:

The reason behind ruling a land with Islam or *kufr*.

By examining the speech of the *'ulama* it becomes clear that they give two reasons for ruling upon a *dar*:

[142] *Ahkam Ahl adh-Dhimmah*, v. 2, p. 728.
[143] *Al-Adab ash-Shar'iyyah wal-Manh al-Mar'iyyah*, v. 1, p. 190.

1. Strength and dominance.

2. The type of laws implemented therein.

Ibn Hazm (*rahimahullah*) said,

> The statement of the Messenger of Allah (*sallallahu ʻalayhi wa sallam*), "I am free from every Muslim who lives amongst the *mushrikin*," makes it clear what we have stated, and that he (*ʻalayhis-salam*) meant with that *darul-harb*. Otherwise, he (*ʻalayhis-salam*) had his representatives in *Khaybar*, while they were all Jews. As well, if the people of *adh-dhimmah* (i.e., those who pay the *jizyah*) are in their cities where no one mixes with them, then the one who resides amongst them for the purpose of ruling over them or for trade is not a *kafir* nor doing any wrong. Rather, he is a good Muslim. And their *dar* is a *dar* of Islam and not a *dar* of *shirk*, because the *dar* is only attributed to who has control over it, the one ruling it, and the one to whom it belongs to.[144]

Abu Yusuf and Muhammad ibn al-Hasan (*rahimahumallah taʻala*) both said, "If the rulings of *shirk* are prevalent therein, then their *dar* has become *darul-harb*, because a place is either attributed to us or them according to strength and

[144] *Al-Muhalla*, v. 12, p. 126.

dominance. Therefore, every area in which the ruling of *shirk* prevails, then the strength in that area is for the *mushrikin* and thus will be considered *darul-harb*. And every area in which the ruling of Islam is prevalent, then the strength is for *Muslimin*."[145]

And ash-Shawkani (*rahimahullah*) said,

> Consideration with regards to a *dar* is given to whose word is most manifest. Thus if the commands and prohibitions are for the people of Islam, and the *kuffar* do not have the ability to manifest their *kufr* except for what is authorized by the people of Islam, then this is *darul-Islam*. It is not harmed by manifestations of *kufr* due to the fact that it was not done out of the strength of the kuffar nor their say, as is witnessed in relation to the people of *adh-dhimmah* from the Jews, Christians, and others with covenants of security residing in the Islamic cities. And if the situation was the opposite, then the *dar* would be opposite.[146]

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[145] *Al-Mabsut*, v. 10, p. 114.
[146] *As-Sayl al-Jarrar*, v. 4, p. 575-576.

The fourth issue:

The categories of ***darul-kufr***.

The ***diyar*** of ***kufr*** are divided into two types with regards to the ***kufr*** being old or recent:

The first type: *Darul-kufr al-asli*: it is that which was never *darul-Islam*.

The second type: *Darul-kufr at-tari*: it is that which was once *darul-Islam*, then the *kuffar* took control of it, or its rulers therein committed apostasy, or its people committed apostasy and the rulings of *kufr* began to be regulated.

Therefore, the description of the land does not necessitate that it is permanently fixed, rather, its description falls under those matters which are subject to change and review. That carries the meaning that a land can change from one description to another. Thus a land can be considered *darul-kufr*, then it could be changed into *darul-Islam*, and it could be considered *darul-Islam* then turn into *darul-kufr*.

Shaykhul-Islam ibn Taymiyyah (*rahimahullah*) said, "A land being *darul-kufr* or *darul-Islam* or *darul-iman*; a land of peace or a land of war; a land of obedience or a land of disobedience; a land of the believers or a land of the rebellious; are

descriptions subject to review and not set in stone. They may move from one description to another like how a man can go from *kufr* to *iman* and knowledge, likewise the opposite."[147]

And here is an important matter to note:

It does not necessitate, when ruling upon a *dar* that it is *darul-kufr*, whether *asli* or *tari*, that whoever resides in it from the *Muslimin* is a *kafir*. No, that is a statement of the extremists and a path from the pathways of the Khawarij.

Al-Ash'ari (*rahimahullah*) mentioned this speech from one of the sects of the Khawarij and said, "The Azariqah claimed that whoever lives in *darul-kufr* is a *kafir*, he has no option but to leave."[148]

And he made mention with regards to the Khawarij Bayhasiyyah and 'Awfiyyah that they said, "If the leader disbelieves, the inhabitants disbelieve, whether they were present or not."[149]

That is because the foundation is that the Muslim remains upon his *islam* in every land and under every sky as long as he

[147] *Majmu' al-Fatawa*, v. 27, p. 45.
[148] *Maqalat al-Islamiyyin*, v. 1, p. 88.
[149] *ibid*, v. 1, p. 103.

does not commit a nullifier from the nullifiers of Islam. And what is established with certainty is not removed by doubt.

Imam ash-Shawkani (*rahimahullah*) said, "Know, that dealing with the discussion of *darul-Islam* and *darul-kufr* is of very little benefit (meaning, the ruling of the inhabitants therein), due to what we had previously said in regards to *darul-harb* and that the wealth and blood of the belligerent *kafir* is permissible in every situation as long as he does not have a covenant from the *Muslimin* and that the blood and wealth of the Muslim is protected due to the protection of Islam, whether in *darul-harb* or other than it."[150]

The *tahqiq*[151] is to say:

The ruling of the residents in *darul-kufr at-tari*, or the saying that the *asl* (foundational principle) of them is Islam or *kufr*, or the ruling of someone whose condition is unknown, differs depending on the different circumstances. All of it is *fiqhi* rulings, which return to the verdicts of the *'ulama*. Because of that, you will find their statements differ in accordance to the different situations in regards to the residents in these lands.

[150] *As-Sayl al-Jarrar*, v. 1, p. 976.
[151] Publisher's note: *Tahqiq* means verification, meaning, a scholarly verification of something; and what is intended here is that after review and verification, looking into the matter it is to say, or what is established is to say…

We will relate to you some examples of that:

The first example: The *fatwa* of Shaykhul-Islam (*rahimahullah*) regarding the people of Mardin.

It was *darul-Islam*, then the Tatar took control over it and implemented the rulings of *kufr*. So he (*rahimahullah*) was asked about the land of Mardin, if it was a land of war or a land of peace; is it obligatory upon the Muslim residing in it to perform *hijrah* or not; and if *hijrah* is obligatory upon him yet he does not perform it but instead aids the enemies of the *Muslimin* with himself or his wealth, is a sinner for that; or is the one who accuses him of *nifaq* and curses him a sinner?

He replied:

> All praise belongs to Allah. The blood of the *Muslimin* and their wealth are forbidden whether in Mardin or other than it. And supporting those who are outside the *Shari'ah* of Islam is forbidden whether they are the people of Mardin or others besides them. The one who lives therein, if he is unable to establish his *din*, then *hijrah* is compulsory upon him, otherwise it would be recommended and not obligatory.
>
> The aiding of the enemies of the *Muslimin* with their persons or wealth is forbidden. They must refrain

> from that by whatever means possible, by avoiding them, or by using wordings that carry different possible meanings, or by deceiving them. If that is not possible except by *hijrah*, then it becomes incumbent upon them. It is not permissible to curse them and accuse them with *nifaq* in general. Rather, cursing and the accusation of *nifaq* are descriptions mentioned in the Book and the Sunnah, and some of the people of Mardin and other than them enter into that.
>
> As for it being a land of war or peace, then it is composite with both meanings in it. It is not at the status of *darus-silm* in which the laws of Islam are implemented and in which its soldiers are *Muslimin*, and it is not at the status of *darul-harb* in which its people are *kuffar*. Instead, it is a third type where the Muslim therein is treated as he rightfully deserves, and the one outside the *Shari'ah* of Islam is fought as he rightfully deserves.[152]

Notice how he ruled the residents therein that it is not permissible to curse them or accuse them with *nifaq* in general, and that they are not *kuffar* like the people of *darul-harb*, even though he judged the soldiers as not being

[152] *Majmu' al-Fatawa*, v. 28, p. 240.

Muslimin. All of that was regards to Mardin, when it was *dar kufr tari*.

The second example: The *fatwa* of Hamad ibn 'Atiq (*rahimahullah*) regarding the people of al-Ahsa.

He asserted:

> Whoever has participated in looking into what the verifying scholars have fixated will observe that if *shirk* becomes prevalent in the land, the prohibited matters are committed openly, and the features of the *Din* are left unattended, then it becomes *darul-kufr*. The wealth of its people are taken as spoils and their blood is permissible to shed. The people in this particular land have increased in all that by insulting Him and His *Din* and have laid down laws implementing them upon the people that oppose the Book of Allah and the Sunnah of His prophet. And you know that just one of these is sufficient to expel the one who comes with it from Islam. This and we say that there could be those from whom are not ruled with *kufr* internally from the weak and oppressed etc.
>
> As for what is apparent, then the matter - and all praise belongs to Allah - is clear. Sufficient for you is

> the action of the Prophet (*sallallahu 'alayhi wa sallam*) in relation to Makkah, even though in it were the weak and oppressed. Likewise, what his companions did with regards to many of those who turned back from Islam, in permitting their blood and wealth and taking them as slaves. Everyone with a sound mind and knowledge will know that what these people have fallen into from *kufr* and *riddah* is worse, more obscene, and greater than what those had done.
>
> Thus return the focus to the texts of the Book, the Sunnah, and the *sirah* of the Messenger (*sallallahu 'alayhi wa sallam*) and his companions. You will find it pure white in which no one deviates from it except that he is destroyed. Look into what the scholars have mentioned regarding this, and ask Allah for the guidance of the heart and to remove any misconception. I did not think that this would come from someone like you. Do not let the ignorant and the people of misconceptions deceive you.[153]

So look to how he ruled upon the people of this land with *kufr* based upon the apparent. And that is when the descriptions therein befit this ruling, from the spread and prevalence of *kufr*, and their inclining towards it and declaring it, and other than that. He did not apply his ruling upon them

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[153] *Ad-Durar as-Saniyyah*, v. 9, p. 257.

based merely on their land being *darul-kufr*; so pay attention to that.

In closing, it is necessary to make a distinction between the issue of ruling upon a land and the issue of ruling upon the inhabitants. Therefore, the ruling of a *dar* is in accordance to the laws implemented in it, and the ruling of the inhabitants is by observing their condition. And Allah is the One whom assistance is sought.

This ends the first matter regarding the *diyar*, by the *tawfiq* of Allah.

We now begin the discussion surrounding the second matter, and it is the issue of *hijrah*.

The *shar'i* definition of *hijrah*: it is to leave *darul-kufr* to *darul-Islam* for the sake of Allah. *Hijrah* can also be intended in general to mean leaving a land of disobedience to a land of obedience, or from a land of *bid'ah* to a land of Sunnah.

The first issue:

The ruling of *hijrah*.

Ibn Qasim (*rahimahullah*) said in *Hashiyah 'ala al-Usul ath-Thalathah*, "[*Hijrah*] is known to be established from the

Book, the Sunnah, and *ijma'*. The one who leaves it is under the threat of punishment. A number of scholars have narrated a consensus on the obligation of *hijrah* from the lands of *shirk* to the lands of Islam."

The second issue:

The ruling on leaving *hijrah*.

The Muslim does not disbelieve for abandoning *hijrah* alone, due to His (*ta'ala*) saying, "And as to those who believed but did not emigrate, you owe no duty of protection to them until they emigrate, but if they seek your help in the *Din*, it is your duty to help them except against a people with whom you have a treaty of mutual alliance, and Allah is the All-Seer of what you do."[154]

Thus He combined between the descriptions of *iman* and abandoning *hijrah* from the land of war.

Abu Bakr ibnul-'Arabi (*rahimahullah*) said, "His (*ta'ala*) statement, 'but if they seek your help in the *Din*, it is your duty to help them,' means if they call you from a land of war to assist them in a call to arms or by wealth to alleviate them, then aid them as that is compulsory upon you, except with a people whom who have a covenant with you. If that is the

[154] Al-Anfal: 72.

case, then refrain from fighting them until the covenant either ends, or it is dismissed."[155]

It is also not permissible for a Muslim to reside in *darul-kufr* if he is not able to establish and manifest his *din*, due to His (*ta'ala*) saying, "Indeed, those whom the angels take [in death] while wronging themselves - [the angels] will say, 'In what [condition] were you?' They will say, 'We were oppressed in the land.' The angels will say, 'Was not the earth of Allah spacious [enough] for you to emigrate therein?' For those, their refuge is Hell - and evil it is as a destination."[156]

Ibn Kathir (*rahimahullah*) said, "The noble *ayah* is broad in scope for everyone who resides amongst the *mushrikin*, while able to perform *hijrah* and unable to establish his *din*. Such a person is committing injustice against himself and falling into the *haram* by consensus."

Manifesting the *Din* is not just being able to perform the *salawat* and its like. What is intended by manifesting the *Din* is displaying enmity and animosity to the *kuffar* and *mushrikin*, due to His (*ta'ala*) saying, "Indeed, there has been an excellent example for you in Ibrahim and those with him, when they said to their people: 'Verily, we are free from you and whatever you worship besides Allah, we have rejected you,

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[155] *Ahkam al-Quran*, v. 2, p. 439.
[156] An-Nisa: 97.

and there has appeared between us and you, hostility and hatred forever, until you believe in Allah Alone.'"[157]

As for the one who leaves off *hijrah* while with him is the *asl* of animosity - meaning, animosity is present and found [within him] - however, he does not show it - meaning, he does not make it apparent - then he is sinful but not a *kafir*.

Shaykh 'Abdul-Latif (*rahimahullah*) was asked about whoever is under the authority of the *mushrikin* and knows *tawhid* and acts upon it, however he does not have animosity towards them nor departs from their lands. He replied,[158]

> This question comes due to a lack of reflection on the issue and on the intended meaning of *tawhid* and acting according to it. Because one can not imagine someone who knows *tawhid* and acts on it who does not despise the *mushrikin*. Whoever does not hate them then it can not be said that he knows *tawhid* and acts according to it. Thus the question is contradictory. The good question is the key to knowledge, and I think what you meant to ask was: whoever does not manifest his animosity and does not separate from them.

[157] Al-Mumtahanah: 4.
[158] *Ad-Durar as-Saniyyah*, v. 8, p. 359.

The issue of manifesting animosity differs from the issue of having the presence of animosity [in the heart]. For the first, there is an excuse for the one who is weak or in fear due to His (*ta'ala*) saying, "except if you fear a danger from them." The second, there is no alternative, because it enters into *kufr bit-taghut*; there is a direct connection between it and between loving Allah and His messenger that a believer can not do without.

Thus whoever disobeys Allah by abandoning the manifestation of animosity, then he is disobedient to Allah. If the *asl* of animosity is in his heart, he will have the ruling of his likes from the disobedient. If he adds to that the leaving of *hijrah*, then he has a share from His (*ta'ala*) statement, "Indeed, those whom the angels take [in death] while wronging themselves." However, he does not disbelieve, as the *ayah* is a threat and not *takfir*.

As for the second one in whose heart there is nothing from animosity, then the statement of the questioner befits him in that he does not hate the *mushrikin*. Thus this is an enormous matter and a grave sin. And what good remains with the absence of enmity of the *mushrikin*?! The fear of losing dwellings and date palms is no excuse to leave *hijrah*. He (*ta'ala*) said, "O My

> slaves who believe! Certainly, spacious is My earth. Therefore worship Me [alone]."[159]

As for whoever abandons *hijrah* from *darul-kufr* out of allegiance and loyalty to the *kuffar* from its people or as a means to assist them against the *Muslimin*, then he is a *kafir* like them.

He (*ta'ala*) said, "Oh you who believe, do not take your fathers or your brothers as allies if they prefer *kufr* over *iman*. And whoever of you allies with them, then, indeed, such are the *dhalimun*."[160]

Al-Qurtubi (*rahimahullah*) said, "What is apparent from this *ayah* is that it is directed to all of the believers, and the ruling of cutting off relations between the believers and the disbelievers will remain until the Day of Judgment. A group [of scholars] narrated in regards to this *ayah* that it was revealed in order to encourage *hijrah* and the leaving of the lands of *kufr*. The talk here is directed to the believers who were in Makkah and other Arab lands, telling them not to ally with their fathers and brothers, lest they become tagged along with the residents of the lands of *kufr*."

[159] Al-'Ankabut: 56.
[160] At-Tawbah: 23.

Ibn Hazm (*rahimahullah*) said, "Then it is correct based upon that to say whoever chooses to live in *darul-kufr wal-harb* voluntarily and engages in war against the *Muslimin* that are near him that he is an apostate due to that action. All the rulings of the *murtadd* are applicable to him, from the obligation of killing him when the ability arises, his wealth being permissible to take, his marriage being void, and other than that, as the Messenger (*sallallahu 'alayhi wa sallam*) did not disassociate himself from a Muslim."[161]

And ibn Taymiyyah (*rahimahullah*), commenting on the statement of 'Abdullah ibn 'Umar (*radiyallahu 'anhuma*), "Whoever establishes himself in their lands, celebrates their Nawruz (i.e., the Persian New Year's Day) and their festivals, and imitates them until he dies will be resurrected with them," said,

> This implies that he considered him a *kafir* due to his participation in all these matters with them, or he considered them from the major sins that are reasons for going to the Fire. Even though the former is what is apparent from his words, participating in some of that is a sin.[162]

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[161] *Al-Muhalla*, v. 6, p. 47.
[162] *Iqtida as-Sirat al-Mustaqim*, v. 1, p. 515.

The third issue:

The various conditions in regards to the inhabitants of *darul-kufr*.

Ibn Hazm (*rahimahullah*) said,

> As for whoever fled to the lands of *harb* due to oppression he was in fear of and did not fight against the *Muslimin*, nor aid the disbelievers against them, and he can not find anyone from the *Muslimin* to shelter and protect him, then in this case there is nothing upon him because he is forced and compelled. We previously mentioned that az-Zuhri, Muhammad ibn Muslim ibn Shihab, was determined to depart towards the lands of the Romans if Hisham ibn 'Abdil-Malik died because Walid ibn Yazid vowed to spill his blood if he was to get ahold of him, and he was to be the *wali* after Hisham. Therefore, whoever's situation resembles this, then he is excused.
>
> Similar to that is the one who lives in the lands of Hind, Sindh, China, Turk, Sudan, and the Romans, from amongst the *Muslimin*. Thus if he is not able to leave from there due to the burden on his back, or

lack of wealth, or weakness of body, or because he is prevented from a way out, then he is excused.

Verily, if he wages war against the *Muslimin* by assisting the kuffar with any service or writing, then he is a *kafir*.

And if he only resides there for some worldly matter, similar to a *dhimmi* for them, and he is able to catch up with the *Muslimin* and their land, then he is not far from *kufr*, and we do not see an excuse for him. We ask Allah for well-being.

That is unlike one who lives under the authority of the people of *kufr* from the extremists and from those who are similar to them, because in the land of *Misr*, *Qayrawan*, and other than them, Islam there is what is apparent and prevalent. Their rulers are also like that as they do not show *bara'ah* from Islam, rather, they claim to be a part of it, even if in reality their rulers are *kuffar*.

As for whoever dwells in the land of the Qaramitah, then he is a *kafir* without any doubt, as they announce their *kufr* and abandonment of Islam, and we seek refuge with Allah from that.

> As for the one who resides in a land in which some desires are manifest that lead to *kufr*, then he is not a *kafir*, as the name of Islam is manifest there in every way; from *tawhid*, acceptance of the Message of Muhammad (*sallallahu 'alayhi wa sallam*), the disavowal from every religion and way of life other than Islam, the establishment of the *salah*, the fasting of Ramadan, and every law and regulation that are [included] in Islam and *iman*. And all praise belongs to Allah, the Lord of creation.[163]

May the *salah* of Allah be upon our prophet Muhammad, his family, and his companions *ajma'in*.

[163] *Al-Muhalla*, v. 12, p. 125.

أهل التوحيد

Publications